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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0099; Project Identifier AD–2020–01272–T; Amendment 39–21757; AD 2021–20–19]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. This AD was prompted by significant changes made to the airworthiness limitations (AWLs) related to fuel tank ignition prevention and the nitrogen generation system. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the latest revision of the AWLs. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 30, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 30, 2021.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0099.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0099; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Douglas Mansell, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3875; email: *douglas.e.mansell@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. The NPRM published in the **Federal Register** on February 26, 2021 (86 FR 11653). The NPRM was prompted by significant changes made to the airworthiness limitations (AWLs) related to fuel tank ignition prevention and the nitrogen generation system. In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate the latest revision of the AWLs. The FAA is issuing this AD to address the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Air Line Pilots Association, International (ALPA), and an individual, both of whom supported the NPRM without change.

The FAA received additional comments from five commenters, including Aviation Partners Boeing (APB), Boeing, Japan Airlines (JAL), United Airlines (UAL), and United Parcel Service (UPS). The following presents the comments received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

APB stated that accomplishing Supplemental Type Certificate (STC) ST01920SE does not affect the actions specified in the NPRM.

The FAA agrees with the commenter that STC ST01920SE does not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST01920SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Remove Certain ''Unqualified'' Items

Boeing requested that paragraphs (h)(1) and (2) of the proposed AD be deleted to remove unqualified wire types and wire sleeving from the list of acceptable wire types and sleeving. Boeing declared that it has qualified and certified wire types BMS 13–48, BMS 13–58, and BMS 13–60, as well as Teflon wire sleeving TFE–2X, but has not certified the additional types for Boeing airplanes.

The FAA does not agree to remove the paragraphs as requested. Since the issuance of AD 2008–11–01 R1, Amendment 39–16145 (74 FR 68515, December 28, 2009) (AD 2008–11–01 R1), which will be terminated by this AD, the FAA received numerous requests for approval of alternative methods of compliance (AMOCs) from operators and STC holders (or applicants) to allow the installation of the alternative wire types and sleeving identified in paragraphs (h)(1) and (2) of this AD. The FAA evaluated key attributes of those alternative wire types and sleeving for each installation, and issued numerous AMOC approvals based on the determination that installing those wire types and sleeving would provide an acceptable level of safety. Although paragraph (h) of this AD provides certain allowances, it does not provide approval of alternative wire

types and sleeving that are installed as part of an aircraft design change. Each applicant for any design change is still responsible to show that the installation of alternative wire types and sleeving identified in paragraphs (h)(1) and (2) of this AD complies with all applicable regulatory requirements. This responsibility includes, but is not limited to, substantiation of compliance with flammability requirements, and substantiation that shows that sleeve installation, including the selection of sleeve thickness, is adequate to protect wires from chafing for the life of the installation. If such an installation is found to be compliant with all applicable regulatory requirements, revision of AWL No. 28–AWL–09 in accordance with paragraph (h) of this AD would allow the installation of the alternative wire types and sleeving. The FAA has not changed this AD with regard to this request.

Request To Exempt Certain Airplanes From Initial Compliance Times

UAL recommended that airplanes in long-term storage be exempted from the applicable initial compliance times, and that the ALI tasks be accomplished at the applicable initial compliance times after return to service. UAL stated that many of the affected airplanes are now in long-term storage.

The FAA does not agree to extend the compliance time to begin after return to service for airplanes in long-term storage. In developing an appropriate compliance time for the tasks required by this AD, the FAA considered relevant safety issues as well as Boeing's recommendations. The FAA concluded that the inspections must be completed as stated in revised paragraphs (g)(1) through (14) of this AD, although the FAA may consider requests for approval of AMOCs from operators with special circumstances. This AD has not been changed with regard to this request.

Request for Clarification of Initial Compliance Times

JAL requested clarification about whether the initial compliance time for airplanes with no initial inspections performed or with Boeing Service Bulletin 767–47–0001 incorporated is the ALI's threshold from airplane delivery or the accomplishment date of the service bulletin. JAL asserted that in similar FAA ADs or proposed ADs, the initial compliance time for airplanes with no inspections performed is the ALI's threshold from airplane delivery.

The FAA agrees with JAL's assertions, and has determined that never-inspected airplanes should be allowed the full compliance time (the applicable AWL interval) from airplane delivery. Furthermore, airplanes for which the referenced AWL was not previously included in the operator's maintenance/inspection program should be allowed a grace period if the AWL interval has passed.

For the foregoing reasons, the FAA has revised the compliance times for the initial tasks in paragraphs (g)(1) through (14) of this AD. While the revised paragraphs may appear significantly different from those in the proposed AD, the compliance times are the same as proposed for most operators—except for the extension of certain compliance times that will provide relief for some operators. The FAA's safety assessment indicates that these changes will provide an acceptable level of safety. The proposed AD has been changed in the following ways:

- The compliance times for each AWL are provided for two groups of airplanes, based on whether their maintenance program had previously included the specific AWL. The AWLs that are included in an operator's maintenance program depend on several factors, including the certification basis for the airplane and applicable regulations including airworthiness directives in effect when the airplane is produced and subsequent to airplane delivery. Therefore, some AWLs identified in paragraph (g) of this AD may not have previously been included in the existing maintenance program.
- For an AWL that was previously incorporated, the airplane, whether previously inspected or not, is provided the full compliance time. Although the proposed AD would have required inspecting never-inspected airplanes within the shorter grace period, the FAA had intended to provide the full interval specified in the AWL, starting from airplane delivery or from the last inspection.
- The FAA has revised the grace period from 30 days to 60 days in paragraphs (g)(2), (4), (6), (7), (9), (10), (11), and (12) of this AD. With this change, compliance for those specific tasks will not be required earlier than the compliance time to revise the maintenance program.

Request To Update Applicability

UPS requested an update to paragraph (c), ''Applicability,'' of the proposed AD to specify airplanes ''as identified in'' Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020. UPS stated that the update is needed to clarify that each task within Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020, is required only for the airplanes for which it is identified as applicable, and not for all airplanes having L/N 1 through 1200 inclusive regardless of the task applicability.

The FAA disagrees with the request. Each task in Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020, is required only for specific airplanes, but paragraph (c), ''Applicability,'' of this AD must include every airplane that is subject to any requirement in the AD. This AD has not been changed with regard to this request.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020. This service information describes AWLs that include airworthiness limitation instructions (ALIs) and critical design configuration control limitations (CDCCLs) tasks related to fuel tank ignition prevention and the nitrogen generation system. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 500 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

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

$7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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:

2021–20–19 The Boeing Company: Amendment 39–21757; Docket No. FAA–2021–0099; Project Identifier AD–2020–01272–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 30, 2021.

(b) Affected ADs

This AD affects the ADs specified in paragraphs (b)(1) through (7) of this AD.

(1) AD 2008–11–01 R1, Amendment 39–16145 (74 FR 68515, December 28, 2009) (AD 2008–11–01 R1).

(2) AD 2010–06–10, Amendment 39–16234 (75 FR 15322, March 29, 2010) (AD 2010–06–10).

(3) AD 2011–25–05, Amendment 39–16881 (77 FR 2442, January 18, 2012) (AD 2011–25–05).

(4) AD 2013–25–02, Amendment 39–17698 (79 FR 24541, May 1, 2014) (AD 2013–25–02).

(5) AD 2014–08–09, Amendment 39–17833 (79 FR 24546, May 1, 2014) (AD 2014–08–09).

(6) AD 2014–20–02, Amendment 39–17975 (79 FR 59102, October 1, 2014) (AD 2014–20–02).

(7) AD 2018–20–13, Amendment 39–19447 (83 FR 52305, October 17, 2018) (AD 2018–20–13).

(c) Applicability

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category, having line numbers (L/N) 1 through 1200 inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by significant changes made to the airworthiness limitations (AWLs) related to fuel tank ignition prevention and the nitrogen generation system. The FAA is issuing this AD to address the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the applicable information in Section A, including Subsections A.1, A.2, A.3, A.4, and A.5, of Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020; except as provided by paragraph (h) of this AD. The initial compliance times for the airworthiness limitation instructions (ALI) tasks are within the applicable compliance times specified in paragraphs (g)(1) through (14) of this AD:

(1) For airplanes identified in the applicability for AWL No. 28–AWL–01, ''External Wires Over Auxiliary (Center) Fuel Tank'': At the applicable time specified in paragraph (g)(1)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–01 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(1)(i) of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 144 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–01; whichever occurs later.

(2) For airplanes identified in the applicability for AWL No. 28–AWL–05, ''Lightning Protection—Hydraulic Line Fuel Tank Penetration Bonding Path'': At the applicable time specified in paragraph (g)(2)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–05 in their maintenance or inspection program before the effective date of this AD: At the later of the times specified in paragraphs (g)(2)(i)(A) and (B) of this AD.

(A) Within 25,000 flight hours or 72 months, whichever occurs first since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 60 days after the effective date of this AD.

(ii) For airplanes not identified in paragraph (g)(2)(i) of this AD: At the later of the times specified in paragraphs (g)(2)(ii)(A) and (B) of this AD.

(A) Within 25,000 flight hours or 72 months, whichever occurs first since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 25,000 flight hours or 72 months, whichever occurs first after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–05.

(3) For airplanes identified in the applicability for AWL No. 28–AWL–18, ''Fuel Quantity Indicating System (FQIS)—Out of Tank Wiring Lightning Shield to Ground Termination'': At the applicable time specified in paragraph (g)(3)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–18 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12

months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(3)(i) of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 144 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–18; whichever occurs later.

(4) For airplanes identified in the applicability for AWL No. 28–AWL–20, ''Auxiliary (Center) Tank Override Fuel Pumps Auto Shutoff Circuit'': At the applicable time specified in paragraph (g)(4)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–20 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(4)(i) of this AD: At the latest of the times specified in paragraphs (g)(4)(ii)(A) through (C) of this AD.

(A) Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 12 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–20.

(C) Within 12 months after accomplishment of the actions specified in Boeing Service Bulletin 767–28A0083 or Boeing Service Bulletin 767–28A0084, as applicable.

(5) For airplanes identified in the applicability for AWL No. 28–AWL–21, ''AC and DC Fuel Pump Fault Current Bonding Jumper Installation'': At the applicable time specified in paragraph (g)(5)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–21 in their maintenance or inspection program before the effective date of this AD: Within 72 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 6 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(5)(i) of this AD: Within 72 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 72 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–21; whichever occurs later.

(6) For airplanes identified in the applicability for AWL No. 28–AWL–27, ''Over-Current and Arcing Protection Electrical Design Features Operation—AC Fuel Pump Ground Fault Interrupter (GFI)'': At the applicable time specified in paragraph (g)(6)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–27 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(6)(i) of this AD: At the latest of the times specified in paragraphs (g)(6)(ii)(A) through (C) of this AD.

(A) Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 12 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–27.

(C) Within 12 months after accomplishment of the actions specified in Boeing Service Bulletin 767–28A0085.

(7) For airplanes identified in the applicability for AWL No. 28–AWL–28, ''Auxiliary (Center) Tank Override/Jettison Fuel Pump Failed On Protection System'': At the applicable time specified in paragraph (g)(7)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–28 in their maintenance or inspection program before the effective date of this AD: Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(7)(i) of this AD: At the latest of the times specified in paragraphs (g)(7)(ii)(A) through (C) of this AD.

(A) Within 12 months since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 12 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–28.

(C) Within 12 months after accomplishment of the actions specified in Boeing Service Bulletin 767–28A0085.

(8) For airplanes identified in the applicability for AWL No. 28–AWL–35, ''Cushion Clamps and Teflon Sleeving Installed on Out-of-Tank Wire Bundles Installed on Brackets that are Mounted Directly on the Fuel Tanks'': At the applicable time specified in paragraph (g)(8)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–35 in their maintenance or inspection program before the effective date of this AD: Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 12 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(8)(i) of this AD: At the latest of the times specified in paragraphs (g)(8)(ii)(A) through (C) of this AD.

(A) Within 144 months since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 144 months after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–35.

(C) Within 144 months after accomplishment of the actions specified in Boeing Service Bulletin 767–57A0102.

(9) For airplanes identified in the applicability for AWL No. 28–AWL–37, ''FQIS BITE Test (Auxiliary (Center) Tank Circuit Test)'': At the applicable time specified in paragraph (g)(9)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–37 in their maintenance or inspection program before the effective date of this AD: Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(9)(i) of this AD: Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 750 flight hours after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–37; whichever occurs later.

(10) For airplanes identified in the applicability for AWL No. 28–AWL–38, ''Fuel Level Sensing System (FLSS) Dry Capacitance Test'': At the applicable time specified in paragraph (g)(10)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–38 in their maintenance or inspection program before the effective date of this AD: Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(10)(i) of this AD: Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 750 flight hours after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–38; whichever occurs later.

(11) For airplanes identified in the applicability for AWL No. 28–AWL–101, ''Engine Fuel Suction Feed Operational Test'': At the applicable time specified in paragraph (g)(11)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–101 in their maintenance or inspection program before the effective date of this AD: At the later of the times specified in paragraphs (g)(11)(i)(A) and (B) of this AD.

(A) Within 7,500 flight hours or 36 months, whichever occurs first since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 60 days after the effective date of this AD.

(ii) For airplanes not identified in paragraph (g)(11)(i) of this AD: At the later of the times specified in paragraphs (g)(11)(ii)(A) and (B) of this AD.

(A) Within 7,500 flight hours or 36 months, whichever occurs first since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 7,500 flight hours or 36 months, whichever occurs first after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–101.

(12) For airplanes identified in the applicability for AWL No. 28–AWL–102, ''Fuel Quantity Indicating System (FQIS)—

Low Fuel and Fuel Config Indication Test'': At the applicable time specified in paragraph (g)(12)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 28–AWL–102 in their maintenance or inspection program before the effective date of this AD: Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness; or within 60 days after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(12)(i) of this AD: At the latest of the times specified in paragraphs (g)(12)(ii)(A) through (C) of this AD.

(A) Within 750 flight hours since issuance of the original airworthiness certificate or original export certificate of airworthiness.

(B) Within 750 flight hours after the most recent inspection, if any, was performed as specified in AWL No. 28–AWL–102.

(C) Within 750 flight hours after accomplishment of the actions specified in Boeing Service Bulletin 767–31–0295 or Boeing Service Bulletin 767–31–0302, as applicable.

(13) For airplanes identified in the applicability for AWL No. 47–AWL–04, ''Nitrogen Generation System (NGS)—Nitrogen-Enriched Air (NEA) Distribution Ducting'': At the applicable time specified in paragraph (g)(13)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 47–AWL–04 in their maintenance or inspection program before the effective date of this AD: Within the applicable interval specified in AWL No. 47–AWL–04 since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(13)(i) of this AD: Within the applicable interval specified in AWL No. 47–AWL–04 since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within that applicable interval since the most recent inspection, if any, was performed as specified in AWL No. 47–AWL–04; whichever occurs later.

(14) For airplanes identified in the applicability for AWL No. 47–AWL–05, ''Nitrogen Generation System (NGS)—Cross Vent Check Valve'': At the applicable time specified in paragraph (g)(14)(i) or (ii) of this AD.

(i) For airplanes that did not have any version of AWL No. 47–AWL–05 in their maintenance or inspection program before the effective date of this AD: Within the applicable interval specified in AWL No. 47–AWL–05 since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within 4 months after the effective date of this AD, whichever occurs later.

(ii) For airplanes not identified in paragraph (g)(14)(i) of this AD: Within the applicable interval specified in AWL No. 47–AWL–05 since issuance of the original airworthiness certificate or original export certificate of airworthiness, or within that applicable interval since the most recent inspection, if any, was performed as specified in AWL No. 47–AWL–05; whichever occurs later.

(h) Additional Acceptable Wire Types and Sleeving

As an option, during accomplishment of the actions required by paragraph (g) of this AD, the changes specified in paragraphs (h)(1) and (2) of this AD are acceptable.

(1) Where AWL No. 28–AWL–09 identifies wire types BMS 13–48, BMS 13–58, and BMS 13–60, the following acceptable wire types and cables can be added to AWL No. 28–AWL–09: MIL–W–22759/16, SAE AS22759/16 (formerly M22759/16), MIL–W–22759/32, SAE AS22759/32 (formerly M22759/32), MIL–W–22759/34, SAE AS22759/34 (formerly M22759/34), MIL–W–22759/41, SAE AS22759/41 (formerly M22759/41), MIL–W–22759/86, SAE AS22759/86 (formerly M22759/86), MIL–W–22759/87, SAE AS22759/87 (formerly M22759/87), MIL–W–22759/92, and SAE AS22759/92 (formerly M22759/92); and MIL–C–27500 and NEMA WC 27500 cables that are constructed from these military or SAE specification wire types, as applicable.

(2) Where AWL No. 28–AWL–09 identifies TFE–2X Standard wall for wire sleeving, the following sleeving materials are acceptable: Roundit 2000NX and Varglas Type HO, HP, or HM, Grade A.

(i) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

(j) Terminating Action for Certain AD Requirements

Accomplishment of the revision required by paragraph (g) of this AD terminates the requirements specified in paragraphs (j)(1) through (7) of this AD for that airplane:

(1) The revision required by paragraphs (g) and (h) of AD 2008–11–01 R1.

(2) The revision required by paragraph (h) of AD 2010–06–10.

(3) The revision required by paragraph (k) of AD 2011–25–05.

(4) The revision required by paragraph (n) of AD 2013–25–02.

(5) The revision required by paragraph (g) of AD 2014–08–09.

(6) The revision required by paragraph (h) of AD 2014–20–02.

(7) The revision required by paragraphs (i)(3)(i) and (ii) of AD 2018–20–13.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

For more information about this AD, contact Douglas Mansell, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3875; email: *douglas.e.mansell@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing 767–200/300/300F/400ER Special Compliance Items/Airworthiness Limitations, D622T001–9–04, dated January 2020.

(ii) [Reserved]

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

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

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

Issued on September 23, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–23268 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0590; Airspace Docket No. 21–AWP–43]

RIN 2120–AA66

Amendment of Class E Airspace; Marana, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace extending upward from 700 feet above the surface at Marana Regional Airport, Marana, AZ. This action is the result of an airspace review conducted due to the decommissioning of the Marana non-directional beacon (NDB). The name of the airport is also being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, January 27, 2022. 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 JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 40386; July 28, 2021) for Docket No. FAA–2021–0590 to amend the Class E airspace extending upward from 700 feet above the surface at Marana Regional Airport, Marana, AZ. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile (increased from a 6.6-mile) radius of Marana Regional Airport, Marana, AZ; adds an extension 3.8 miles each side of the 031° bearing from the airport extending from the 6.7-mile radius to 15.3 miles northeast of the airport; adds an extension 3.4 miles each side of the 330° bearing from the airport extending from the 6.7-mile radius to 12.7 miles northwest of the airport; updates the header of the airspace legal description to ''Marana, AZ'' (previously ''Marana Regional, AZ'') to coincide with the FAA's aeronautical database; updates the name of the airport (previously Marana Regional) to coincide with the FAA's aeronautical database; and removes the exclusionary language as it is no longer required.

This action is the result of an airspace review caused by the decommissioning of the Marana NDB which provided navigation information for the instrument procedures at this airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

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

* * * * *

AWP AZ E5 Marana, AZ [Amended]

Marana Regional Airport, AZ
(Lat. 32°24′34″ N, long. 111°13′06″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Marana Regional Airport; and within 3.8 miles each side of the 031° bearing from the airport extending from the 6.7-mile radius from the airport to 15.3 miles northeast of the airport; and within 3.4 miles each side of the 330° bearing from the airport extending from the 6.7-mile radius from the airport to 12.7 miles northwest of the airport.

Issued in Fort Worth, Texas, on October 19, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23048 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0674; Airspace Docket No. 21–ASW–14]

RIN 2120–AA66

Amendment Class D and Class E Airspace; Ardmore, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace at Ardmore, OK. This action is the result of an airspace review due to the decommissioning of the Arbuckle non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, January 27, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA JO Order 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace, the Class E airspace area designated as an extension to Class D airspace, and the Class E airspace extending upward from 700 feet above the surface at Ardmore Municipal Airport, Ardmore, OK, and the Class E airspace extending upward from 700 feet above the surface at Ardmore Downtown Executive Airport, Ardmore, OK, to support instrument flight rule operations at these airports.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 48088; August 27, 2021) for Docket No. FAA–2021–0674 to amend the Class D and Class E airspace at Ardmore, OK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and Class E airspace designations are published in paragraph 5000, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in FAA JO Order 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71:

Amends the Class D airspace to within a 4.3-mile (increased from a 4.2-mile) radius of Ardmore Municipal Airport, Ardmore, OK; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E airspace area designated as an extension to Class D airspace at Ardmore Municipal Airport to within 1.4 (increased from 1.3) miles each side of the Ardmore VORTAC 050° (previously 056°) radial extending from the 4.3-mile (increased from 4.2-mile) radius of airport to 7.4 (decreased from 8.4) miles southwest of airport; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amends the Class E airspace extending upward from 700 feet above the surface at Ardmore Municipal Airport by adding an extension within 1.5 miles each side of the Ardmore VORTAC 050° radial extending from the 6.8-mile radius of the airport to 8.4 miles southwest of the airport; amending the northwest extension to within 1.1 miles each side of the 315° bearing from the airport extending from the 6.8-mile radius of the airport to 7 (increased from 6.9) miles northwest of

the airport; updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and removes the extension northwest of the Ardmore VORTAC as it is no longer required.

These actions are the result of airspace reviews caused by the decommissioning of the Arbuckle NDB which provided guidance to instrument procedures at these airports. FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW OK D Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.3-mile radius of Ardmore Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ASW OK E4 Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)
Ardmore VORTAC
(Lat. 34°12′42″ N, long. 97°10′06″ W)

That airspace extending upward from the surface within 1.4 miles each side of the Ardmore VORTAC 050° radial extending from the 4.3-mile radius of Ardmore Municipal Airport to 7.4 miles southwest of the airport, and within 1 mile each side of the 315° bearing from Ardmore Municipal Airport extending from the 4.2-mile radius of the airport to 5.3 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASW OK E5 Ardmore, OK [Amended]

Ardmore Municipal Airport, OK
(Lat. 34°18′14″ N, long. 97°01′14″ W)
Ardmore VORTAC
(Lat. 34°12′42″ N, long. 97°10′06″ W)
Ardmore Downtown Executive Airport, OK
(Lat. 34°08′49″ N, long. 97°07′22″ W)

That airspace extending upward from the 700 feet above the surface within a 6.8-mile radius of Ardmore Municipal Airport, and within 1.5 miles each side of the Ardmore VORTAC 050° radial extending from the 6.8-mile radius of Ardmore Municipal Airport extending from the 6.8-mile radius of the airport to 8.4 miles southwest of the airport, and within 1.1 miles each side of the 315° bearing from the Ardmore Municipal Airport extending from the 6.8-mile radius of the airport to 7 miles northwest of the airport, and within a 6.5-mile radius of Ardmore Downtown Executive Airport.

Issued in Fort Worth, Texas, on October 18, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23008 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0634; Airspace Docket No. 21–ACE–19]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Fort Leonard Wood, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace at Waynesville-St. Robert Regional Airport Forney Field, Fort Leonard Wood, MO. This action is the result of an airspace review caused by the decommissioning of the Maples very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Effective 0901 UTC, January 27, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support

Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace, the Class E airspace area designated as an extension to a Class D surface area, and the Class E airspace extending upward from 700 feet above the surface at Waynesville-St. Robert Regional Airport Forney Field, Fort Leonard Wood, MO, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 44674; August 13, 2021) for Docket No. FAA–2021–0634 to amend the Class D and Class E airspace at Waynesville-St. Robert Regional Airport Forney Field, Fort Leonard Wood, MO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraph 5000, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71:

Amends the Class D airspace at Waynesville-St. Robert Regional Airport Forney Field, Fort Leonard Wood, MO, by updating the name (previously Waynesville Regional Airport at Forney Field) of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term of ''Airport/Facility Directory'' with ''Chart Supplement'';

Amends the Class E airspace area designated as an extension to a Class D surface area at Waynesville-St. Robert Regional Airport Forney Field by removing the Buckhorn NDB and associated extensions from the airspace legal description as they are no longer needed; removes the exclusionary language as it is no longer needed; updates the name (previously Waynesville Regional Airport at Forney Field) of the airport to coincide with the FAA's aeronautical database; and replaces the outdated term of ''Airport/Facility Directory'' with ''Chart Supplement'';

And amends the Class E airspace extending upward from 700 feet above the at Waynesville-St. Robert Regional Airport Forney Field by removing the Buckhorn NDB and associated extensions from the airspace legal description as they are no longer needed; and updates the name (previously Waynesville Regional Airport at Forney Field) of the airport to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Maples VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE MO D Fort Leonard Wood, MO [Amended]

Waynesville-St. Robert Regional Airport Forney Field, MO
(Lat. 37°44′30″ N, long. 92°08′27″ W)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4-mile radius of the Waynesville-St. Robert Regional Airport Forney Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ACE MO E4 Fort Leonard Wood, MO [Amended]

Waynesville-St. Robert Regional Airport Forney Field, MO
(Lat. 37°44′30″ N, long. 92°08′27″ W)
Forney VOR
(Lat. 37°44′33″ N, long. 92°08′20″ W)

That airspace extending upward from the surface within 2.4 miles each side of the Forney VOR 318° radial extending from the 4-mile radius of Waynesville-St. Robert Regional Airport Forney Field to 7 miles northwest of the VOR. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ACE MO E5 Fort Leonard Wood, MO [Amended]

Waynesville-St. Robert Regional Airport Forney Field, MO
(Lat. 37°44′30″ N, long. 92°08′27″ W)
Forney VOR
(Lat. 37°44′33″ N, long. 92°08′20″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Waynesville-St. Robert Regional Airport Forney Field and within 2.4 miles each side of the Forney VOR 318° radial extending from the 6.5-mile radius of the airport to 7 miles northwest of the VOR, excluding that airspace within the R–4501 Fort Leonard Wood, MO, Restricted Areas during the specific times they are in effect.

Issued in Fort Worth, Texas, on October 19, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23093 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0554; Airspace Docket No. 21–AGL–26]

RIN 2120–AA66

Amendment of Class E Airspace; Galesburg, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Galesburg Municipal Airport, Galesburg, IL. This action is the result of airspace reviews caused by the decommissioning of the Galesburg very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Effective 0901 UTC, January 27, 2022. 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 JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (86 FR 38953; July 23, 2021) for Docket No. FAA–2021–0554 to amend the Class E airspace at Galesburg Municipal Airport, Galesburg, IL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71:

Amends the Class E surface area at Galesburg Municipal Airport, Galesburg, IL, by removing the Galesburg VOR/DME and associated extensions from the airspace legal description; and updates the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And amends the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (decreased from a 7-mile) radius of Galesburg Municipal Airport.

This action is due to an airspace review caused by the decommissioning of the Galesburg VOR, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

* * * * *

AGL IL E2 Galesburg, IL [Amended]

Galesburg Municipal Airport, IL
(Lat. 40°56′17″ N, long. 90°25′52″ W)

Within a 4-mile radius of the Galesburg Municipal Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AGL IL E5 Galesburg, IL [Amended]

Galesburg Municipal Airport, IL
(Lat. 40°56′17″ N, long. 90°25′52″ W)
Monmouth Municipal Airport, IL
(Lat. 40°55′47″ N, long. 90°37′52″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Galesburg Municipal Airport, and within a 6.8-mile radius of the Monmouth Municipal Airport.

Issued in Fort Worth, Texas, on October 18, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23003 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No. WY–048–FOR; Docket No. OSM–2020–0005]; S1D1S SS08011000 SX064A000 222S180110; S2D2S SS08011000 SX064A000 22XS501520]

Wyoming Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Wyoming Abandoned Mine Land (AML) Reclamation Plan (hereinafter, the Wyoming Plan or Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Wyoming proposed to repeal and replace its existing AML Plan in response to OSMRE's request to amend the Plan, as well as improve the Plan's readability and operational efficiency. These changes are being submitted in response to legislative and regulatory changes made under SMCRA.

DATES: Effective November 26, 2021.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Director Denver Field Division, Office of Surface Mining Reclamation and Enforcement, Dick Cheney Federal Building, 100 East B Street, Room 4100, Casper, Wyoming 82601–1018. Telephone: (307) 261–6550.Email: *jfleischman@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming AML Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Procedural Determinations

I. Background on the Wyoming AML Program

The AML Reclamation Program was established by Title IV of the Act (30 U.S.C. 1201, *et seq.*) in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal produced. The reclamation fees collected, as well as additional appropriations, are used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop, and submit to the Secretary of the Interior for approval, a program (often referred to as a Plan) for the reclamation of abandoned coal mines.

On February 14, 1983, the Secretary of the Interior approved Wyoming's Plan. You can find general background information on the Wyoming Plan, including the Secretary's findings and the disposition of comments, in the February 14, 1983, **Federal Register** (48 FR 6536). OSMRE announced in the May 25, 1984, **Federal Register** (49 FR 22139), the Director's decision accepting certification by Wyoming that it had addressed all known coal-related impacts in the State that were eligible for funding under the Wyoming Plan. Wyoming could then proceed in reclaiming low priority noncoal projects. The Director accepted Wyoming's proposal that it would seek immediate funding for reclamation of any additional coal-related problems that occur during the life of the Wyoming Plan. You can find later actions concerning Wyoming's Plan and plan amendments at 30 CFR 950.35.

II. Submission of the Amendment

Under the authority of 30 CFR 884.15, OSMRE directed Wyoming to update its Plan by letter dated March 6, 2019 (Document ID No. WY–053–01). OSMRE indicated the Wyoming Plan needed revisions to meet the requirements of SMCRA as revised on December 20, 2006 as part of the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432), and in response to changes made to the implementing Federal regulations as revised on November 14, 2008 (73 FR 67576) and February 5, 2015 (80 FR

6435). OSMRE provided Wyoming with a summary of changes to the Federal program as well as a description of the potentially required Plan amendments in the March 6, 2019 letter. By letter dated July 21, 2020 (Administrative Record No. WY–053–02), Wyoming submitted an amendment to its Plan under SMCRA (30 U.S.C. 1201, *et seq.*). Wyoming's amendment is intended to address all required changes identified in OSMRE's March 6, 2019 letter, as well as additional changes proposed at the State's initiative to make the Wyoming Plan conform to principles of plain language that would make the Plan more reader friendly. Wyoming's amendment will repeal and replace Wyoming's existing Plan.

We announced receipt of the proposed amendment in the December 17, 2020, **Federal Register** (85 FR 81862). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because none were requested. We received two comments regarding the amendment. The public comment period ended on January 19, 2021.

III. OSMRE's Findings

The following are the findings we made concerning Wyoming's amendment to its Plan under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15. We are approving the amendment as described below.

Wyoming is repealing and replacing its entire AML Reclamation Plan with a version that is structured similar to the Federal AML Reclamation Plan content requirements for States found at 30 CFR 884.13. Wyoming's existing Plan is lengthy and difficult to navigate. Wyoming has since reorganized the Plan (Administrative Record No. WY–053–02) to make it more reader friendly by removing excess narrative and instead incorporating required information by reference. For example, Wyoming is removing and referencing **Federal Register** documentation about its AML Program approval, Program, and Plan revisions, and certification of completion of all known high priority coal hazards. Removal and incorporation by reference is appropriate because these documents are not required to be in the Wyoming Plan. Furthermore, this approach decreases the overall length of the Plan, prevents the need for additional revisions in the event of future regulatory or statutory changes, and does not alter Wyoming's authority or procedures for implementing its AML Program.

As such, the revised Plan (Administrative Record No. WY–053–02) includes a table that lists all amendments in order of the date of final publication in the **Federal Register**. In addition, Wyoming has implemented the required changes identified in OSMRE's March 6, 2019 letter to satisfy Federal requirements. Updates consistent with the 2006 amendments to SMCRA under the Tax Relief and Health Care Act of 2006 (Pub. L. 109–432) and the associated changes to the implementing Federal regulations on November 14, 2008 (73 FR 67576) and February 5, 2015 (80 FR 6435) have also been included. All changes to the Plan (Administrative Record No. WY–053–02) are discussed below.

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes subsections entitled *Background on Title IV of the Surface Mining Control and Reclamation Act of 1977, Background on the Wyoming Abandoned Mine Land Reclamation Plan,* and *Purpose of the 2020 Rewrite.* Although these sections are not required under the Federal program, it provides background and context for Wyoming's certified AML Plan and does not conflict with the AML Reclamation Plan requirements found under 30 CFR 884.13.

Wyoming's revised Plan (Administrative Record No. WY–053–02) cites Wyo. Stat. section 35–11–1201, passed by the Wyoming Legislature on March 18, 1980, creating the Wyoming AML Program. This legislation vested authority over the AML Program with the Director of the Department of Environmental Quality (DEQ). Until April 1992, implementation of the AML Program was handled by the Land Quality Division within DEQ. On March 16, 1992, the Wyoming legislature created the AML Division at DEQ, which gave this Division responsibility over the AML Program. The program amendment to incorporate the 1992 statutory changes that created a separate AML Division was approved by the OSMRE Director and published in the **Federal Register** on April 13, 1992 (57 FR 12731). Under this designation, the AML Division was also authorized to receive and administer grants under 30 CFR part 886. Because Wyoming's AML Program is now certified, it no longer receives grant funding from OSMRE under 30 CFR part 886, but rather it receives certified state grant funding under 30 CFR part 885.

Wyoming provided an updated January 3, 2020 legal opinion letter from the State Attorney General, which confirms that the Wyoming DEQ continues to have the legal authority to oversee and implement Wyoming's AML Program. This is consistent with 30 CFR 884.14(a)(2). Previous versions of this letter have been removed from Wyoming's Plan (WY–053–02) because they are superseded by the new letter. The legal opinion required by 30 CFR 884.13(a)(2) is attached as Appendix B in the Plan (Administrative Record No. WY–053–02).

According to 30 CFR 884.13(a)(3), a State Reclamation Plan must include a description of the policies and procedures to be followed by the designated agency conducting the reclamation program, including the purposes of the State reclamation program. Wyoming's Plan (Administrative Record No. WY–053–02) includes a Policies and Procedures section that provides a description and legal citation for its AML Program which are consistent with 30 CFR 884.13(a)(3) introductory text and (a)(3)(i).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Ranking and Selection,* which provides eligibility requirements and prioritization criteria for both coal and noncoal hazards, as well as Public Facilities projects deemed necessary for public health and safety by the Governor. In addition, this section includes a discussion of Wyoming's prioritization matrix, which is used by Wyoming to rank AML projects and reaffirms that any noncoal reclamation activities will reflect the priorities under 30 CFR 875.15. The prioritization matrix is included in Appendix F. The Ranking and Selection section also indicates the first priority for reclamation will be for high priority coal sites but reserves the Wyoming AML Program's ability to reclaim noncoal land, water, and facilities as allowed by Title IV, Section 411(b) through (g) (30 U.S.C. 1240a(b)–(g)), with approval by OSMRE and after the issuance of an Authorization to Proceed (ATP), which is required for all projects. This section is consistent with the State Reclamation Plan requirements of 30 CFR 884.13(a)(3)(ii).

Wyoming's revised Plan (Administrative Record No. WY–053–02) also incorporates via reference the provisions from 30 CFR 875.19 (80 FR 6435–6448), which extend limited liability protection to noncoal reclamation projects as long as those projects are completed in accordance with 30 CFR part 875 and do not result in damages as the result of intentional misconduct or gross negligence. Furthermore, it explains that

Reclamation projects will not be undertaken without first receiving an ATP from OSMRE. This is in accordance with section 405(l) of SMCRA (30 U.S.C. 1235(l)) and consistent with 30 CFR 874.15 and 875.19.

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *AML Emergency Response,* which acknowledges that emergency conditions may arise at times which require quick responses. This section outlines the processes by which such emergency conditions are addressed, because the Wyoming AML Program does not have an approved emergency response program under section 410 of SMCRA (30 U.S.C. 1240).

Under the section titled, *Coordination with Other Programs,* the revised Plan (Administrative Record No. WY–053–02) lists the other agencies and offices with which the Wyoming AML Program will coordinate on a case-by-case basis during reclamation activities. These groups include city and county governments, state agencies, OSMRE, other Federal agencies, Tribes, and National Association of Abandoned Mine Land Programs (NAAMLP) members. This section in the proposed Plan is consistent with the requirements of 30 CFR 884.13(a)(3)(iii).

According to the section titled Land Acquisition, Management and Disposal, the revised Wyoming Plan (Administrative Record No. WY–053–02) incorporates all applicable Federal statutory sections by reference, which ensures these activities will occur in accordance with established Federal AML requirements. Thus, this section in Wyoming's Plan is consistent with the requirements of 30 CFR 884.13(a)(3)(iv).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Reclamation on Private Land and Rights of Entry,* which indicates Wyoming will follow guidelines in Section 407 of SMCRA (Acquisition and Reclamation of Land Adversely Affected by Past Coal Mining Practices) (30 U.S.C. 1237) and Title 35, Chapter 11, Section 1204 of the Wyoming Environmental Quality Act when undertaking reclamation work on private land. Wyoming also states that consent for entry will be obtained before Wyoming AML staff or its contractors enter private land, but, if consent is denied, procedures outlined in 30 CFR 877 (Rights of Entry) and Title 35, Chapter 11, Section 1204 (d–e) of the Wyoming Environmental Quality Act will be followed. Thus, this section of Wyoming's revised Plan is consistent with the Plan content requirements of 30 CFR 884.13(a)(3)(v) and (vi).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Public Participation,* which details the State and Federal laws the Wyoming AML Program must comply with pertaining to public participation, scoping, and comments on proposed actions. Because this section of the Plan provides the procedures and processes the Wyoming AML Program will follow to ensure public involvement in its reclamation program, this section is consistent with the Plan content requirements of 30 CFR 884.13(a)(3)(vii).

As previously discussed, Wyoming's revised Plan (Administrative Record No. WY–053–02) includes all required sections meeting the requirements of 30 CFR 884.13(a)(3)(i) through (vii), to include: The purposes of the State reclamation program; specific criteria for ranking and identifying projects to be funded; the coordination of reclamation work among the State reclamation program and all applicable State and Federal agencies; policies and procedures regarding land acquisition, management, and disposal; reclamation on private land; rights of entry; and public participation in the State reclamation program. As such, Wyoming's revised Plan (Administrative Record No. WY–053–02) is consistent with the AML Reclamation Plan content requirements found at 30 CFR 884.13(a)(3).

Federal regulations at 30 CFR 884.13(a)(4)(i) require a description of the designated agency's organization and relationship to other State entities that will participate in or augment the State's reclamation capacity. Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Policies and Procedures,* under which a subsection, titled *Department Structure,* discusses these descriptions and relationships and also provides an organizational chart that depicts the Wyoming DEQ's AML Organization.

Federal regulations at 30 CFR 884.13(a)(4)(ii) require a description of the personnel staffing policies which will govern the assignment of personnel to the State reclamation program. Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Staffing and Personnel Policies,* which explains that the Wyoming AML program will comply with all Federal statutes and requirements relating to nondiscrimination. In addition, it outlines the hiring practices, position qualifications, rules of behavior for employees, and staffing levels that are controlled by budget acts approved by the Wyoming Legislature. This change does not alter Wyoming's staffing and personnel policies because it still provides the information required under 30 CFR 884.13(a)(4)(ii), but in a more condensed format.

Federal regulations at 30 CFR 884.13(a)(4)(iii) require a description of State purchasing and procurement systems to meet the requirements of Office of Management and Budget Circular A–102, Attachment 0. Federal grantmaking agencies were previously required to issue a grants management common rule to adopt governmentwide terms and conditions for grants to States and local governments. As a result, the attachments to Circular A–102, including Attachment 0 referenced in 30 CFR 884.13(a)(4)(iii), have been replaced by the grants management common rule at 2 CFR part 200. Although the Federal SMCRA regulations have not yet been updated to reflect this change, it is reflected in the revised Wyoming Plan (Administrative Record No. WY–053–02) under the section titled *Purchasing and Procurement,* where Wyoming indicates its purchasing and procurement policies are consistent with 2 CFR part 200. This section of the Plan provides descriptions of Wyoming's purchasing and procurement rules, the bid process, and the use of OSMRE's Federal Applicant Violator System (AVS) to determine the eligibility of construction contractors and professional services firms. As such, all of the descriptions in the Purchasing and Procurement section of the revised Plan are consistent with the requirements of 30 CFR 884.13(a)(4)(iii).

Federal regulations at 30 CFR 884.13(a)(4)(iv) require a description of the accounting system to be used by the agency including specific procedures for operation of the Abandoned Mine Reclamation Fund. Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Accounting System,* which discusses the Wyoming Online Financial System (WOLFS) and how it conforms to 2 CFR part 200. In addition, this section indicates that the DEQ, and more specifically the AML Division, will safeguard all funds, property, and assets in the reclamation program, submit programmatic and financial reports to OSMRE as required, and explains how audits are conducted and any recommendations implemented.

As previously discussed, Wyoming's revised Plan (Administrative Record No. WY–053–02) includes all required sections meeting the requirements of 30 CFR 884.13(a)(4)(i) through (iv) that

summarize overall AML Policies and Procedures, including Department Structure, Staffing and Personnel Policies, Purchasing and Procurement, and the Accounting System. As such, Wyoming's revised Plan (Administrative Record No. WY–053–02) is consistent with the AML Reclamation Plan content requirements found at 30 CFR 884.13(a)(4).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes sections titled *Description of Reclamation Activities* [in accordance with 30 CFR 884.13(a)(5)(i)], Wyoming AML Problems [in accordance with 30 CFR 884.13(a)(5)(ii)], and Plan to Address Problems [in accordance with 30 CFR 884.13(a)(5)(iii)], all of which provide general descriptions derived from available data of the reclamation activities to be conducted under the Wyoming Plan including: A map showing the general location of known or suspected eligible lands and waters; a description of the problems occurring on those lands and waters; and how the Plan proposes to address each of the problems, including descriptions of the hazard abatement strategies. Because Wyoming is certified, the State has already completed all known high priority coal hazards. Therefore, the revised maps and information reflect the State's certified status, identifying historic mining areas where AML hazards may occur, as well as general AML hazard types and abatement strategies without identifying specific project areas. Individual project approval and funding are appropriately handled through the ATP process under 30 CFR 885.16(e). Thus, sections of Wyoming's revised Plan titled *Description of Reclamation Activities,* Wyoming AML Problems, and Plan to Address Problems are consistent with the AML Plan content requirements of 30 CFR 884.13(a)(5).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes sections titled: *Geographic Areas of Wyoming; Wyoming Economic Base* (to include subsections of: Economy, Energy, Agriculture, Economic Diversification, Population, Labor Force, and Unemployment Rate); *Significant Esthetic, Historic or Cultural,* and *Recreational Values;* as well as Endangered and Threatened Plant, Fish, and Wildlife, and Habitat. These sections all provide a general description, derived from available data, of the conditions prevailing in the different geographic areas of the State where reclamation is planned. The available data is derived from the Bureau of Labor and Department of Energy, as well as other State and Federal agencies, such as the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Service. In addition, a map is included which indicates the locations of Wyoming coal fields. Thus, Wyoming's revised Plan provides descriptions of the prevailing conditions in the State where reclamation may occur consistent with the requirements of 30 CFR 884.13(a)(6).

Wyoming's revised Plan (Administrative Record No. WY–053–02) includes a section titled *Additional Requirement for Certified States and Indian Tribes,* which provides a commitment to address all eligible coal problems found or occurring after certification as required under 30 CFR 875.13(a)(3) and 875.14(b). In addition, this section expands upon the prioritization matrix used by Wyoming to rank AML projects, which is found in Appendix F. Wyoming indicates it will prioritize coal hazards over noncoal hazards unless a noncoal hazard site ranks as a high human health or safety hazard, in which case such a project will be prioritized in tandem with coal projects. This will allow for reclamation of both coal and noncoal projects to be conducted on parallel schedules without impacting Wyoming's response cycles on coal problems. By committing to give priority to addressing eligible coal problems found or occurring after certification as required in 30 CFR 875.13(a)(3) and 875.14(b), Wyoming's revised Plan is consistent with the AML Plan content requirements of 30 CFR 884.13(b).

Finally, Wyoming's revised Plan (Administrative Record No. WY–053–02) includes six Appendices. Appendix A, titled *Public Records Regulation,* incorporates new language into the Wyoming Plan regarding public records, which reflects a change to the Wyoming AML regulations approved by state statute in 2018. Appendix B, titled *Legal Opinion,* provides an updated letter from the Office of the Attorney General that confirms that the Wyoming DEQ continues to have the legal authority to oversee and implement Wyoming's AML Program. Appendix C, titled *Policy and Purpose of the Environmental Quality Act,* provides the Wyoming statutes and general provisions regarding public health and safety under which the Wyoming AML Division operates. Appendix D, titled *Historic Documents,* provides a bulletized list of the history of the Wyoming AML Program, including the original approval of the program, the State's certification, subsequent amendments, and other State legislation related to the AML Program. Appendix E, titled *Census Data,* provides population characteristics, businesses, and geographical information for Wyoming. Appendix F, titled *Priority Ranking Matrix,* provides an example of the ranking criteria and weight factors which are used to calculate a weighted sum, which is then used to rank AML projects by priority.

Thus, we find that Wyoming's revised Plan (Administrative Record No. WY–053–02), as amended, meets all content requirements stipulated under 30 CFR 884.13 while also updating the Plan to be consistent with changes made to the Federal program in 2006, 2008, and 2015. Furthermore, Wyoming's revised Plan meets the requirements of OSMRE's March 6, 2019 letter, and any removals of outdated content support Wyoming's goal of streamlining its Plan to make it more reader friendly. We, therefore, approve these changes and the Plan.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on Wyoming's amendment. One comment (Administrative Record No. WY–053–08) was received, which expressed a concern that the public would not be allowed to provide comments on the **Federal Register** in the future, which would therefore not allow the American people to have a general say in the future of the coal industry and regulations being put in place, thereby causing issues related to climate change. This comment appeared to be directed toward the DEQ's Regulatory Program for active operating mines, rather than the Wyoming AML Program, and the comment did not address the Wyoming Plan amendment. Furthermore, public comment on **Federal Register** notices involving amendments to State programs is routinely sought and allowed.

Federal Agency Comments

On August 25, 2020, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on Wyoming's amendment from various Federal agencies with an actual or potential interest in the Wyoming AML Program, including its Plan (Administrative Record No. WY–053–04). We received one comment. In a letter dated September 17, 2020 (Administrative Record No. WY–053–07), the Wyoming Game and Fish Department (WGFD) stated the list of threatened and endangered species on pages 17–18 of the revised Plan did not include the Kendall Warm Springs Dace and several other threatened and

endangered species in Wyoming. The WGFD recommended contacting the U.S. Fish and Wildlife Service to obtain an updated list of all threatened and endangered species in the State, which Wyoming DEQ did, and this updated list of species is now reflected in the revised Plan.

Environmental Protection Agency (EPA) Concurrence and Comments

OSMRE solicited the EPA's comments on the proposed amendment (Administrative Record No. WY–053–04). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

OSMRE solicited comments on the proposed amendment from the SHPO (Administrative Record No. WY–053–04) and the ACHP (Administrative Record No. WY–053–04). The SHPO did not respond to our request. By email dated January 4, 2021 (Administrative Record No. WY–053–09), the ACHP indicated its belief that the revised Wyoming Plan did not have any involvement with OSMRE's National Historic Preservation Act Section 106 review process in Wyoming, and therefore ACHP did not have any comments on the Plan. OSMRE agrees with ACHP's assessment that the revised Wyoming Plan does not alter OSMRE's Section 106 review process in Wyoming.

V. OSMRE's Decision

Based on the above findings, we are approving Wyoming's Plan amendment that was submitted on July 21, 2020. To implement this decision, we are amending the Federal regulations at 30 CFR part 950 that codify decisions concerning the Wyoming Plan. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 405(a) of SMCRA requires that each State with an AML program must have an approved State regulatory program pursuant to section 503 of the Act. Section 503(a) of the Act requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule will not affect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by Section 3(a) of Executive Order 12988. The Department has determined that this **Federal Register** notice meets the criteria of Section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct, rather than a general standard, and promote simplification and burden reduction. Because Section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the Wyoming Plan or to the Plan amendment that the State of Wyoming submitted.

Executive Order 13132—Federalism

This rule is not a ''policy that [has] Federalism implications'' as defined by Section 1(a) of Executive Order 13132 because it does not have ''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.'' Instead, this rule approves an amendment to the Wyoming Plan submitted and drafted by that State. OSMRE reviewed the submission with fundamental federalism principles in mind as set forth in Section 2 and 3 of the Executive Order and with the principles of cooperative federalism as set forth in SMCRA. *See, e.g.,* 30 U.S.C. 1201(f). As such, pursuant to section 503(a)(1) and (7) (30 U.S.C. 1253(a)(1) and (7)), OSMRE reviewed Wyoming's amendment to ensure that it is ''in accordance with'' the requirements of SMCRA and ''consistent with'' the regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Tribes or on the distribution of power and responsibilities between the Federal government and Tribes. Therefore, consultation under the Department's tribal consultation policy is not required. The basis for this determination is that our decision is on the Wyoming program that does not include Tribal lands or regulation of activities on Tribal lands. Tribal lands are regulated independently under the applicable, approved Federal program.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. We are not required to provide a detailed statement under the National Environmental Policy Act of 1969 (NEPA) because this rule qualifies for a categorical exclusion under the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(B)(29).

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 3701 *et seq.*) directs OSMRE to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. OMB Circular A–119 at p. 14. This action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA.

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

David Berry,

Regional Director, Interior Unified Regions 5, 7–11.

For the reasons set out in the preamble, 30 CFR part 950 is amended as set forth below:

PART 950—WYOMING

■ 1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 950.35 is amended in the table by adding an entry in chronological order by ''Date of final publication'' to read as follows:

§ 950.35 Approval of Wyoming abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
July 21, 2020	October 26, 2021	Repeal and replace Certified AML Plan. Response to 884 letter and State initiative streamlining of Plan to be consistent with changes to federal program and extends limited liability protection for certain coal and noncoal reclamation projects.

[FR Doc. 2021–23292 Filed 10–25–21; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Web General License 8 and Subsequent Iterations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing nine Venezuela web general licenses (GLs) in the **Federal Register**: GL 8, GL 8A, GL 8B, GL 8C, GL 8D, GL 8E, GL 8F, and GL 8G, each of which is now expired and was previously issued on OFAC's website, as well as GL 8H, which was also previously issued on OFAC's website and expires on December 1, 2021.

DATES: GL 8H was issued on June 1, 2021 and expires on December 1, 2021. See **SUPPLEMENTARY INFORMATION** of this rule for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On March 8, 2015, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), issued Executive Order (E.O.) 13692, ''Blocking Property and Suspending Entry of Persons Contributing to the Situation in Venezuela'' (80 FR 12747, March 11, 2015). In E.O. 13692, the President found that the situation in Venezuela, including the Government of Venezuela's erosion of human rights guarantees, persecution of political opponents, curtailment of press freedoms, use of violence and human rights violations and abuses in response to antigovernment protests, and arbitrary arrest and detention of antigovernment protestors, as well as the exacerbating presence of significant public corruption, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and declared a national emergency to deal with that threat.

The President issued six additional E.O.s pursuant to the national emergency declared in E.O. 13692: E.O. 13808 of August 24, 2017, ''Imposing Additional Sanctions With Respect to the Situation in Venezuela'' (82 FR 41155, August 29, 2017); E.O. 13827 of March 19, 2018, ''Taking Additional Steps to Address the Situation in Venezuela'' (83 FR 12469, March 21, 2018); E.O. 13835 of May 21, 2018, ''Prohibiting Certain Additional Transactions With Respect to Venezuela'' (83 FR 24001, May 24, 2018) (E.O. 13835); E.O. 13850 of November 1, 2018, ''Blocking Property of Additional Persons Contributing to the Situation in Venezuela'' (83 FR 55243, November 2, 2018); E.O. 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela'' (84 FR 509, January 30, 2019); and E.O. 13884 of August 5, 2019, ''Blocking Property of the Government of Venezuela'' (84 FR 38843, August 7, 2019).

OFAC, in consultation with the Department of State, issued GL 8 on January 28, 2019, pursuant to E.O. 13850, as amended, to authorize certain entities and their subsidiaries to engage in transactions and activities ordinarily incident and necessary to operations in Venezuela involving Petróleos de Venezuela, S.A. (PdVSA) or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, that were otherwise prohibited by E.O. 13850, through 12:01 a.m. eastern daylight time, July 27, 2019. Subsequently, OFAC issued eight further iterations of GL 8, which extended the period and modified the scope of the authorization.

On June 6, 2019, OFAC issued GL 8A, which replaced and superseded GL 8; on July 26, 2019, OFAC issued GL 8B, which replaced and superseded GL 8A; on August 5, 2019, OFAC issued GL 8C, which replaced and superseded GL 8B; on October 21, 2019, OFAC issued GL 8D, which replaced and superseded GL 8C; on January 17, 2020, OFAC issued GL 8E, which replaced and superseded GL 8D; on April 21, 2020, OFAC issued GL 8F, which replaced and superseded GL 8E; on November 17, 2020, OFAC issued GL 8G, which replaced and superseded GL 8F; and on June 1, 2021, OFAC issued GL 8H, which replaced and superseded GL 8G. GL 8H expires on December 1, 2021. The texts of the following nine Venezuela GLs are provided below: GLs 8, 8A, 8B, 8C, 8D, 8E, 8F, 8G, and 8H.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

General License No. 8

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Prohibited by Executive Order 13850 for Certain Entities Operating in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to operations in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order 13850 are authorized through 12:01 a.m. eastern daylight time, July 27, 2019 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any exportation or reexportation of diluents from the United States to Venezuela; or

(2) Any transaction that is otherwise prohibited under Executive Order 13850 of November 1, 2018, Executive Order 13835 of May 21, 2018, Executive Order 13827 of March 19, 2018, Executive Order 13808 of August 24, 2017, Executive Order 13692 of March 8, 2015, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: January 28, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

General License No. 8A

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Prohibited by Executive Order 13850 for Certain Entities Operating in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to operations in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857 of January 25, 2019, are authorized through 12:01 a.m. eastern daylight time, July 27, 2019 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela; or

(2) Any transaction that is otherwise prohibited by E.O. 13850, E.O. 13835 of May 21, 2018, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, E.O. 13692 of March 8, 2015, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

(c) Effective June 6, 2019, General License No. 8, dated January 28, 2019, is replaced and superseded in its entirety by this General License 8A.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: June 6, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

General License No. 8B

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for Maintenance of Operations for Certain Entities in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to the maintenance of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857 of January 25, 2019, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, October 25, 2019 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela; or

(2) Any transaction that is otherwise prohibited by E.O. 13850, E.O. 13835 of May 21, 2018, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, E.O. 13692 of March 8, 2015, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

(c) Effective July 26, 2019, General License No. 8A, dated June 6, 2019, is replaced and superseded in its entirety by this General License 8B.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: July 26, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

Executive Order of August 5, 2019

Blocking Property of the Government of Venezuela

General License NO. 8C

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for Maintenance of Operations for Certain Entities in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to the maintenance of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857 of January 25, 2019, or E.O. of August 5, 2019, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, October 25, 2019 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela; or

(2) Any transaction that is otherwise prohibited by E.O. of August 5, 2019, or E.O. 13850, E.O. 13835 of May 21, 2018, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, or E.O. 13692 of March 8, 2015, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

(c) Effective August 5, 2019, General License No. 8B, dated July 26, 2019, is replaced and superseded in its entirety by this General License 8C.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: August 5, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

Executive Order 13884 of August 5, 2019

Blocking Property of the Government of Venezuela

General License No. 8D

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for Maintenance of Operations for Certain Entities in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to the maintenance of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern standard time, January 22, 2020 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela; or

(2) Any transaction that is otherwise prohibited by E.O. 13884, or E.O. 13850, E.O. 13835 of May 21, 2018, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, or E.O. 13692 of March 8, 2015, each as amended by E.O. 13857, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

(c) Effective October 21, 2019, General License No. 8C, dated August 5, 2019, is replaced and superseded in its entirety by this General License 8D.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: October 21, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Executive Order 13850 of November 1, 2018

Blocking Property of Additional Persons Contributing to the Situation in Venezuela

Executive Order 13884 of August 5, 2019

Blocking Property of the Government of Venezuela

General License No. 8E

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for Maintenance of Operations for Certain Entities in Venezuela

(a) Except as provided in paragraph (b) of this general license, all transactions and activities ordinarily incident and necessary to the maintenance of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, April 22, 2020 for the following entities and their subsidiaries:

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

(b) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela; or

(2) Any transaction that is otherwise prohibited by E.O. 13884, or E.O. 13850, E.O. 13835 of May 21, 2018, E.O. 13827 of March 19, 2018, E.O. 13808 of August 24, 2017, or E.O. 13692 of March 8, 2015, each as amended by E.O. 13857, or any part of 31 CFR chapter V, or any transactions or dealings with any blocked person other than the blocked persons described in paragraph (a) of this general license.

(c) Effective January 17, 2020, General License No. 8D, dated October 21, 2019, is replaced and superseded in its entirety by this General License No. 8E.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: January 17, 2019.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations 31 CFR Part 591

General License No. 8F

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for the Limited Maintenance of Essential Operations in Venezuela or the Wind Down of Operations in Venezuela for Certain Entities

(a) Except as provided in paragraphs (c) and (d) of this general license, all transactions and activities prohibited by Executive Order (E.O.) 13850 of November 1, 2018, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884 of August 5, 2019, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), that are ordinarily incident and necessary to the limited maintenance of essential operations, contracts, or other agreements, that: (i) Are for safety or the preservation of assets in Venezuela; (ii) involve PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest; and (iii) were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern standard time, December 1, 2020, for the following entities and their subsidiaries (collectively, the ''Covered Entities''):

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

Note to paragraph (a): Transactions and activities necessary for safety or the preservation of assets in Venezuela that are authorized by paragraph (a) of this general license include: Transactions and activities necessary to ensure the safety of personnel, or the integrity of operations and assets in Venezuela; participation in shareholder and board of directors meetings; making payments on third-party invoices for transactions and activities authorized by paragraph (a) of this general license, or incurred prior to April 21, 2020, provided such activity was authorized at the time it occurred; payment of local taxes and purchase of utility services in Venezuela; and payment of salaries for employees and contractors in Venezuela.

(b) Except as provided in paragraph (d) of this general license, all transactions and activities prohibited by E.O. 13850, as amended, or E.O. 13884, each as incorporated into the VSR, that are ordinarily incident and necessary to the wind down of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern standard time, December 1, 2020, for the Covered Entities.

(c) Paragraph (a) of this general license does not authorize:

(1) The drilling, lifting, or processing of, purchase or sale of, or transport or shipping of any Venezuelan-origin petroleum or petroleum products;

(2) The provision or receipt of insurance or reinsurance with respect to the transactions and activities described in paragraph (c)(1) of this general license;

(3) The design, construction, installation, repair, or improvement of any wells or other facilities or infrastructure in Venezuela or the purchasing or provision of any goods or services, except as required for safety;

(4) Contracting for additional personnel or services, except as required for safety; or

(5) The payment of any dividend, including in kind, to PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest.

(d) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela;

(2) Any loans to, accrual of additional debt by, or subsidization of PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, including in kind, prohibited by E.O. 13808 of August 24, 2017, as amended by E.O. 13857, and incorporated into the VSR; or

(3) Any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V, or any transactions or activities with any blocked person other than the blocked persons identified in paragraphs (a) and (b) of this general license.

(e) Effective April 21, 2020, General License No. 8E, dated January 17, 2020, is replaced and superseded in its entirety by this General License No. 8F.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: April 21, 2020.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations 31 CFR Part 591

General License No. 8G

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for the Limited Maintenance of Essential Operations in Venezuela or the Wind Down of Operations in Venezuela for Certain Entities

(a) Except as provided in paragraphs (c) and (d) of this general license, all transactions and activities prohibited by Executive Order (E.O.) 13850 of November 1, 2018, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884 of August 5, 2019, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), that are ordinarily incident and necessary to the limited maintenance of essential operations, contracts, or other agreements, that: (i) Are for safety or the preservation of assets in Venezuela; (ii) involve PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest; and (iii) were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, June 3, 2021, for the following entities and their subsidiaries (collectively, the ''Covered Entities''):

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes, a GE Company
- Weatherford International, Public Limited Company

Note to paragraph (a): Transactions and activities necessary for safety or the preservation of assets in Venezuela that are authorized by paragraph (a) of this general license include: Transactions and activities necessary to ensure the safety of personnel, or the integrity of operations and assets in Venezuela; participation in shareholder and board of directors meetings; making payments on third-party invoices for transactions and activities authorized by paragraph (a) of this general license, or incurred prior to April 21, 2020, provided such activity was authorized at the time it occurred; payment of local taxes and purchase of utility services in Venezuela; and payment of salaries for employees and contractors in Venezuela.

(b) Except as provided in paragraph (d) of this general license, all transactions and activities prohibited by E.O. 13850, as amended, or E.O. 13884, each as incorporated into the VSR, that are ordinarily incident and necessary to the wind down of operations, contracts, or other agreements in Venezuela involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern daylight time, June 3, 2021, for the Covered Entities.

(c) Paragraph (a) of this general license does not authorize:

(1) The drilling, lifting, or processing of, purchase or sale of, or transport or shipping of any Venezuelan-origin petroleum or petroleum products;

(2) The provision or receipt of insurance or reinsurance with respect to the transactions and activities described in paragraph (c)(1) of this general license;

(3) The design, construction, installation, repair, or improvement of any wells or other facilities or infrastructure in Venezuela or the purchasing or provision of any goods or services, except as required for safety;

(4) Contracting for additional personnel or services, except as required for safety; or

(5) The payment of any dividend, including in kind, to PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest.

(d) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela;

(2) Any loans to, accrual of additional debt by, or subsidization of PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, including in kind, prohibited by E.O. 13808 of August 24, 2017, as amended by E.O. 13857, and incorporated into the VSR; or

(3) Any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V, or any transactions or activities with any blocked person other than the blocked persons identified in paragraphs (a) and (b) of this general license.

(e) Effective November 17, 2020, General License No. 8F, dated April 21, 2020, is replaced and superseded in its entirety by this General License No. 8G.

Andrea Gacki,

Director, Office of Foreign Assets Control.

Dated: November 17, 2020.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations 31 CFR Part 591

General License No. 8H

Authorizing Transactions Involving Petróleos de Venezuela, S.A. (PdVSA) Necessary for the Limited Maintenance of Essential Operations in Venezuela or the Wind Down of Operations in Venezuela for Certain Entities

(a) Except as provided in paragraphs (c) and (d) of this general license, all transactions and activities prohibited by Executive Order (E.O.) 13850 of November 1, 2018, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884 of August 5, 2019, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), that are ordinarily incident and necessary to the limited maintenance of essential operations, contracts, or other agreements, that: (i) Are for safety or the preservation of assets in Venezuela; (ii) involve PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest; and (iii) were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern standard time, December 1, 2021, for the following entities and their subsidiaries (collectively, the ''Covered Entities''):

- Chevron Corporation
- Halliburton
- Schlumberger Limited
- Baker Hughes Holdings LLC
- Weatherford International, Public Limited Company

Note to paragraph (a): Transactions and activities necessary for safety or the preservation of assets in Venezuela that are authorized by paragraph (a) of this general license include: Transactions and activities necessary to ensure the safety of personnel, or the integrity of operations and assets in Venezuela; participation in shareholder and board of directors meetings; making payments on third-party invoices for transactions and activities authorized by paragraph (a) of this general license, or incurred prior to April 21, 2020, provided such activity was authorized at the time it occurred; payment of local taxes and purchase of utility services in Venezuela; and payment of salaries for employees and contractors in Venezuela.

(b) Except as provided in paragraph (d) of this general license, all transactions and activities prohibited by E.O. 13850, as amended, or E.O. 13884, each as incorporated into the VSR, that are ordinarily incident and necessary to the wind down of operations, contracts, or other agreements in Venezuela

involving PdVSA or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, and that were in effect prior to July 26, 2019, are authorized through 12:01 a.m. eastern standard time, December 1, 2021, for the Covered Entities.

(c) Paragraph (a) of this general license does not authorize:

(1) The drilling, lifting, or processing of, purchase or sale of, or transport or shipping of any Venezuelan-origin petroleum or petroleum products;

(2) The provision or receipt of insurance or reinsurance with respect to the transactions and activities described in paragraph (c)(1) of this general license;

(3) The design, construction, installation, repair, or improvement of any wells or other facilities or infrastructure in Venezuela or the purchasing or provision of any goods or services, except as required for safety;

(4) Contracting for additional personnel or services, except as required for safety; or

(5) The payment of any dividend, including in kind, to PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest.

(d) This general license does not authorize:

(1) Any transactions or dealings related to the exportation or reexportation of diluents, directly or indirectly, to Venezuela;

(2) Any loans to, accrual of additional debt by, or subsidization of PdVSA, or any entity in which PdVSA owns, directly or indirectly, a 50 percent or greater interest, including in kind, prohibited by E.O. 13808 of August 24, 2017, as amended by E.O. 13857, and incorporated into the VSR; or

(3) Any transactions or activities otherwise prohibited by the VSR, or any other part of 31 CFR chapter V, or any transactions or activities with any blocked person other than the blocked persons identified in paragraphs (a) and (b) of this general license.

(e) Effective June 1, 2021, General License No. 8G, dated November 17, 2020, is replaced and superseded in its entirety by this General License No. 8H.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

Dated: June 1, 2021.

Dated: October 21, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–23331 Filed 10–25–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2021–0673]

RIN 1625–AA08

Special Local Regulation; Swim Around Charleston, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the waters of the Wando River, Cooper River, Charleston Harbor, and Ashley River in Charleston, SC. This action is necessary to provide for the safety of life on navigable waters during the Swim Around Charleston. This rulemaking would restrict persons and vessels from entering certain waters of the Wando River, Cooper River, Charleston Harbor, and Ashley River, unless authorized by Sector Charleston Captain of the Port or a designated representative.

DATES: This rule is affective from 10 a.m. until 4 p.m., on October 31, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0673 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Chad Ray, Sector Charleston Waterways Management Division, Coast Guard; telephone (843) 740–3184, email *Chad.L.Ray@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. The event already has established dates in 33 CFR 100.704, Table to § 100.704, Line No. 9, and typically takes place one Saturday or Sunday during the last two weeks of September or the first two weeks of October. However, this year the event will take place on October 31, 2021. The Coast Guard must establish a temporary final rule for this year's event because a Notice of Enforcement cannot be used to enforce a rule this far outside the dates approved in the **Federal Register**. We must establish this special local regulation by October 31, 2021 in order to protect the public from the hazards associated with the Swim Around Charleston event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because the potential safety hazards associated with the Swim Around Charleston taking place on October 31, 2021.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the Swim Around Charleston event presents a safety concern for anyone in the vicinity of the regulated area during the event. This rule is needed to protect participants, spectators, and the general public in the navigable waters within the regulated area during the Swim Around Charleston event.

IV. Discussion of the Rule

This rule establishes a special local regulation from 10:00 a.m. until 4:00 p.m., on October 31, 2021. The special local regulation will cover certain navigable waters on the Wando River, Cooper River, Charleston Harbor, and Ashley River in Charleston, South Carolina beginning at Remleys Point in Mt. Pleasant, proceeding across Charleston Harbor continuing up the Ashley River to its conclusion just before the Westmoreland Bridge, I–526. The duration of the special local regulation is intended to ensure the safety of participants, spectators, vessels and these navigable waters before, during, and after the scheduled event.

No vessel or person will be permitted to enter the regulated area without obtaining permission from Sector Charleston 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: (1) Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement periods if authorized by Sector Charleston COTP or a designated representative; (2) vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from Sector Charleston COTP or a designated representative may operate in the surrounding areas during the enforcement period; (3) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Broadcast Notice to Mariners; and (4) the regulated area will impact small designated areas of Wando River, Cooper River, Charleston Harbor, and Ashley River for only 4 hours and thus is limited in time and scope.

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 and 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 a special local regulation lasting 6 hours. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to 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, and 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.T799–0084 to read as follows:

§ 100.T799–0084 Special Local Regulation; Swim Around Charleston, Wando River, Cooper River, Charleston Harbor, and Ashley River; Charleston, SC.

(a) *Location.* The following area is a moving safety zone: All waters 50 yards in front of the lead safety vessel preceding the first race participants, 50 yards behind the safety vessel trailing the last race participants, and at all times extend 100 yards on either side of safety vessels. The Swim Around Charleston swimming race consists of a 12 mile course that starts at Remley's Point on the Wando River in approximate position 32°48′49″ N, 79°54′27″ W, crosses the main shipping channel under the main span of the Ravenel Bridge, and finishes at the I–526 bridge and boat landing on the Ashley River in approximate position 32°50′14″ N, 80°01′23″ 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 Sector Charleston COTP in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Sector Charleston COTP or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Sector Charleston COTP by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Sector Charleston COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Sector Charleston COTP or a designated representative.

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

(d) *Enforcement period.* This section will be enforced from 10 a.m. until 4 p.m., on October 31, 2021.

Dated: October 20, 2021.

J.D. Cole,

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

[FR Doc. 2021–23288 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0811]

RIN 1625–AA00

Safety Zone; Ohio River, Friendly, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Ohio River from mile marker 145–151 for safety concerns regarding an unknown, possibly explosive device found on a barge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the reported device. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Ohio Valley.

DATES: This rule is effective without actual notice from October 26, 2021, through October 28, 2021. For purposes of enforcement, actual notice will be used from October 21, 2021, until October 26, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0811 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 MST3 Wesley Cornelius, MSU Huntington, U.S. Coast Guard; 304–733–0198, *STL-SMB-MSUHuntington-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the reported device requires immediate action to respond to the potential safety hazards. It is impracticable and contrary to the public interest to publish an NPRM because we must establish this safety zone by October 21, 2021.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to public interest because it would create significant safety hazards to the public. Immediate action is needed to respond to the potential safety hazards associated with the reported device.

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 Ohio Valley (COTP) has determined that potential hazards associated with the unknown, possibly explosive device reported October 21, 2021, will be a safety concern for anyone on the Ohio River from mile marker 145 to mile marker 151. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while emergency responders and law enforcement officers assess the device.

IV. Discussion of the Rule

This rule establishes a safety zone from October 21, 2021 through October 28, 2021. The safety zone will cover all navigable waters on the Ohio River from mile marker 145 to mile marker 151. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters for the duration of emergency response and law enforcement operations. No vessel or person will be permitted to enter the safety zone

without obtaining permission from the COTP or a designated representative. If the need for the zone ends before October 28, the COTP will use a broadcast notice to mariners to inform the public that the zone is terminated.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited size and duration of the zone, and potential impact to the safety of mariners and waterway users on the Ohio River between mile marker 145 and mile marker 151.

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, the economic impact on any vessel owner or operator will be limited by the temporary duration of the zone.

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. 01, 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 a safety zone lasting seven days that will prohibit vessel operations on the Ohio River from mile marker 145 through mile marker 151. It is categorically excluded from further review under paragraph L[60c] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to 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.T08–0811 to read as follows:

§ 165.T08–0811 Safety Zone; Ohio River, Friendly, WV.

(a) *Location.* The following area is a safety zone: all navigable waters of the Ohio River from mile marker 145 to mile marker 151.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer

designated by or assisting the Captain of the Port Ohio Valley (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by 502–779–5300. 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.

Dated: October 21, 2021.

A.M. Beach,

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

[FR Doc. 2021–23333 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0344]

RIN 1625–AA00

Safety Zone; Piscataqua River Turning Basin Dredge Project, Portsmouth, NH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones for the navigable waters of the Piscataqua River in Portsmouth Harbor. The first safety zone will be a 100-yard radius around any vessel, barge, or dredging equipment engaged in dredging operations. The second safety zone will be a 500-yard radius around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites. The safety zones are necessary to protect persons and vessels from hazards associated with dredging, drilling, and blasting operations for overall widening of the uppermost turning basin of the Piscataqua River.

DATES: This rule is effective without actual notice from October 26, 2021, through April 15, 2022. For the purposes of enforcement, actual notice will be used from November 1, 2021, until October 26, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0344 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Shaun Doyle, Sector Northern New England Waterways Management Division, U.S. Coast Guard; telephone 207–347–5015, email *Shaun.T.Doyle@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On February 12, 2021, the U.S. Army Corps of Engineers notified the Coast Guard of plans to fund dredging operations on the uppermost turning basin of the Piscataqua River in Portsmouth Harbor. The project consists of widening the uppermost turning basin of the Piscataqua River from 800 feet to 1200 feet to improve navigation maneuverability and safety.

In response, on August 25, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Piscataqua River Turning Basin Dredge Project, Portsmouth, NH (86 FR 47433). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this dredging project. During the comment period that ended September 24, 2021, we received no comments.

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 Northern New England (COTP) has determined that potential hazards associated with the dredging operations starting November 1, 2021, will be a safety concern for anyone within a 100-yard radius around any vessel, barge, or dredging equipment engaged in dredging operations. Additionally, the COTP has determined that potential hazards associated with the explosives to be used in this operation would be a safety concern for anyone within a 500-yard radius around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled dredging operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because timely action is needed to respond to the potential safety hazards associated with the dredging project.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published on August 25, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes two safety zones from November 1, 2021, through April 15, 2022. The first safety zone will be a 100-yard radius around any vessel, barge, or dredging equipment actively engaged in dredging operations. The second safety zone will be a 500-yard radius around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites. The 500-yard safety zone will be enforced during active blasting operations and will be suspended once successful detonation has been confirmed and blasting operations have been secured. The Coast Guard will notify the public and local mariners of the 500-yard safety zone through appropriate means, which may include, but are not limited to, publication in the Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16 in advance of any enforcement. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zones will be enforced during periods of active dredging or blasting operations from November 1, 2021, through April 15, 2022. The 500-yard radius safety zone around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites will only be enforced when blasting operations are conducted for short durations. Once blasting operations have been secured, vessel traffic will be able to transit around the 100-yard radius safety zone around any vessel, barge, or dredging equipment actively engaged in dredging operations. Dredging vessel(s) conducting operations will accommodate necessary commerce and movement of cargo through daily coordination with U.S. Army Corps of Engineers, contractors, Portsmouth Pilots, and U.S. Coast Guard. Proper public notice of enforcement will be given through appropriate means, which may include, but are not limited to, publication in the Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing two safety zones near the uppermost turning basin of the Piscataqua River in Portsmouth Harbor that will be enforced periodically from November 1, 2021, through April 15, 2022, that prohibits entry within a 100-yard radius around any vessel, barge, or dredging equipment engaged in dredging operations, and within a 500-yard radius around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0344 to read as follows:

§ 165.T01–0344 Safety Zone; Piscataqua River Turning Basin Dredge Project, Portsmouth, NH.

(a) *Location.* The following areas are a safety zone:

(1) *Safety zone 1.* All navigable waters of the Piscataqua River, from surface to bottom, within a 100-yard radius around any vessel, barge, or dredging equipment engaged in dredging operations.

(2) *Safety zone 2.* All navigable waters of the Piscataqua River, from surface to bottom, within a 500-yard radius around any vessel, barge, or dredging equipment engaged in blasting operations and any blasting worksites.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's Designated Representative via VHF–FM marine channel 16 or by contacting the Coast Guard Sector Northern New England Command Center at (207) 741–5465. Those in the safety zones must comply with all lawful orders or directions given to them by the COTP or the COTP's Designated Representative.

(d) *Enforcement period.* This section is effective from November 1, 2021, through April 15, 2022, but will only be enforced while dredging or blasting operations are in progress. The Coast Guard will utilize Broadcast Notice to Mariners and Local Notice to Mariners to notify the public of the time and duration that these safety zones will be enforced.

Dated: October 21, 2021.

A.E. Florentino,

Captain, U.S. Coast Guard,Captain of the Port, Sector Northern New England.

[FR Doc. 2021–23324 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 38

RIN 2900–AR00

Veterans Legacy Grants Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is establishing in regulation the Veterans Legacy Grants Program (VLGP), which will provide funding to educational institutions and other eligible entities to conduct cemetery research and produce educational tools for the public to utilize and learn about the histories of Veterans interred in VA national cemeteries and VA grant-funded State and Tribal Veterans' cemeteries.

DATES: This rule is effective November 26, 2021.

FOR FURTHER INFORMATION CONTACT: Tim Nosal, Deputy Director, Office of Engagement and Memorial Innovations, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 443–5601. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On March 26, 2021, VA published a proposed rule in the **Federal Register** (86 FR 16165) that would implement VA's statutory authority to establish the VLGP. The public comment period ended on May 25, 2021, and VA received 11 comments in response to the proposed rule. Four commenters expressed support for the rulemaking and the VLGP, and we appreciate the positive feedback. We agree that the VLGP promotes and recognizes the sacrifices of those who came before us and highlights Veterans' contributions. Veterans deserve final resting places that recognize their accomplishments and sacrifices, and the VLGP serves as a mechanism to support this outcome. VA agrees that making this grant program available to ''educational institutions'' at all levels of school systems promotes inclusion and diversity of perspective. Grants and opportunities provided by the VLGP are substantial ways to bring communities together in support of our Veterans. VA is committed to preserving Veterans' legacies through the award of meaningful grants that support innovative and engaging ways to memorialize Veterans in perpetuity. In the following discussion, we address questions and suggestions for this rulemaking from seven commenters.

One commenter suggested that VA consider including museums as a type of educational institution eligible to participate in this grant program. We agree that museums should be eligible to participate and note that a museum could be considered under either § 38.715(c)(3) as an eligible non-profit entity or § 38.715(c)(5) as an eligible recipient if deemed appropriate by the Secretary. Specifically, under § 38.715(c)(3), a museum that is a non-profit entity and has a demonstrated history of community engagement pertinent to the projects described in a Notice of Funding Availability (NOFA) could be eligible to receive a VLGP grant. Alternatively, even if a museum does not meet those criteria, it could nonetheless be eligible under § 38.715(c)(5) if the Secretary deems it an appropriate recipient based on other considerations. We note that prior to the VLGP authority, VA, through the Veterans Legacy Program (VLP), awarded contracts to museums, state historical societies, and humanities councils, and we will continue to afford those entities the opportunity to support VA by participating in the VLGP. Based on the foregoing reasons, VA will make no changes to the rulemaking based on this comment.

One commenter noted a few issues in the proposed rule that were vague and required additional information. The commenter inquired about the ways in which VA intends to make the research produced through these grants publicly accessible. The commenter asked whether researchers would share information online, on tombstones, or in another way to ensure the public's understanding of the services provided by Veterans. The National Cemetery Administration (NCA) maintains several public resources (*e.g.,* VA websites, social media, lesson plans, interactive maps, and short video vignettes) that make information about Veterans accessible. Examples of Veteran information include inscription information on gravesite markers or other digital exhibits of photographs and video or audio clips that showcase a grantee's work. Research conducted under a VLGP grant could be published on some of those public resources as well as other agency sites depending on the nature of the information and grant requirements.

The commenter also questioned how the VLGP will ensure increased community engagement and monitor this important aspect of the grant program. Based on existing VLP projects, VLGP projects will continue community engagement through a variety of programmatic activities (*e.g.,*

campus fairs, Memorial Day celebrations, scholars presenting at national conferences, articles being published on the findings, and books being developed). A grant applicant's proposal for community engagement would be described in response to the relevant NOFA and within the grant application for VA review.

Regarding the commenter's question about monitoring community engagement and ensuring increases in those activities, we note that § 38.775 provides that VA will conduct compliance reviews, site visits, and inspections of grantee locations and records as a means of monitoring grant activity. Inherent in each NOFA will be VA's assessment of a project's need for and interest in community engagement and other activities that promote Veteran histories. For each application, NCA will review the applicant's plans to meet the project's purpose. For example, if a grant awardee submitted a proposal for VLGP funds for the purpose of presenting its research on a local Veterans cemetery at a conference, VA would monitor and review the development of materials, monitor preparation for the event, and assess the public's reception of the presentation to determine whether the grantee successfully met this requirement. By targeting community engagement activities in each NOFA and monitoring the grantee's post-award fulfilment of that grant requirement through site visits, compliance reviews, and other interactions, VA can measure and monitor increases and outcomes of those activities. For the foregoing reasons, VA will make no changes to the rulemaking based on this comment.

One commenter suggested that VA needs to make sure that the community is interested in these stories and that educators are wanting to receive this information. VA intends to share these stories and products of the VLGP research through multiple promotional outlets, which include but are not limited to news releases, fact sheets, websites, social media pages, and email listservs. These promotional tools target individuals and Veteran communities interested in learning the stories of our nation's Veterans and promote products of the VLGP to members of the public who may not be familiar with our Veterans' stories. This commenter also encouraged VA to create awareness of the Veterans' stories through publications informing the community. As mentioned, the VLGP will utilize articles, interactive guides, curricula, and various tools to publish findings across multiple platforms. The purpose of the VLGP is to foster interest and engagement in the history of service and sacrifice of Veterans interred in VA national cemeteries. VLGP seeks to provide educational programs in which teachers or professors introduce their students to researching Veterans and then share that research with the community.

The commenter also contended that VA does not want educators to replace their courses of instruction with information on soldiers' backgrounds, which could deter educators from using this data in the classroom. The commenter suggested that VA should ''look into using this data on the Army or Air Force's website or at recruitment fairs'' to inform the public of military tasks and duties. We appreciate the commenter's concerns and suggestions. To clarify, VLGP grant-funded projects will not substitute educational instruction or courses of study, but educators are encouraged to incorporate information or data generated from such projects in courses of instruction. To the extent VA collaborates with its Department of Defense partners, information and data gathered from VLGP grant-funded research could be utilized to promote recruitment and for other purposes. VA hopes that VLGP grant-funded projects may serve as the basis for other creative outlets that reach a wide variety of audiences. We thank the commenter for the expressed opinions about the purpose and use of VLGP grant research, but VA will make no changes to the rulemaking based on this comment.

Two commenters expressed the need for clarity about the origination of funds for this grant program and sought understanding on the overall grants process for the VLGP. VA is authorized to award grants from operational funds not to exceed $500,000. We appreciate the commenters' concerns but will make no changes based on these comments.

One commenter inquired about the impact of the 2020 pandemic on the potential pool of grants and questioned funding availability for new or expanded Veteran projects. The VLP continued normal operations during the pandemic and has not encountered significant impacts. Once the final rule becomes effective, VA will fund the VLGP through operational funds, and by law, grant awards may not exceed $500,000. VA will make no changes to the rulemaking based on this comment.

VA appreciates the commenter who suggested that the VLGP recognize fallen first responders and police officers who were killed in the line of duty in the same way as fallen soldiers. The commenter added that students should be taught about officers who gave their lives to protect them and made other contributions to their community to help rebuild relationships. Because VA's mission and scope of programs and services are limited to those with qualifying military service and their eligible spouses and dependents, expanding the scope to include first responders and police officers without qualifying military service would not be supported by current authorities. However, there is nothing that would prevent VA from highlighting a Veteran's contributions to his or her local community through service in the police force or other meaningful ways as part of a VLGP grant project. No changes to the regulatory text will be made based on this comment.

Accordingly, the proposed rule is adopted as a final rule without change.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this final rule is not a significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Paperwork Reduction Act

This final rule includes provisions at 38 CFR 38.730 constituting a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by the Office of Management and Budget (OMB). Accordingly, under 44 U.S.C. 3507(d), VA submitted a copy of this rulemaking action to OMB for review and approval. OMB has reviewed and approved this new collection of information and assigned OMB control number 4040–0004.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are

defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Receiving or not receiving a grant is unlikely to have a significant economic impact on small entity applicants, specifically non-profit institutions. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and Tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.204, Veterans Legacy Grant Program.

Congressional Review Act

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

List of Subjects in 38 CFR Part 38

Administrative practice and procedure, Cemeteries, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on October 8, 2021, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 38 CFR part 38 as follows:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 is revised to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Add an undesignated center heading, ''Veterans Legacy Grants Program'', and §§ 38.710 through 38.785 to read as follows:

* * * * *

Veterans Legacy Grants Program

Sec.

38.710 Purpose and use of grant funds.
38.715 Definitions.
38.720 Grants—general.
38.725 Notice of Funding Availability (NOFA).
38.730 Applications.
38.735 Additional factors for deciding applications.
38.740 Scoring and selection.
38.745 Disposition of applications.
38.750 Withdrawal of grant application.
38.755 Grant agreement.
38.760 Payments under the grant.
38.765 Grantee reporting requirements.
38.770 Recovery of funds by VA.
38.775 Compliance review requirements.
38.780 Financial management.
38.785 Recordkeeping.

Veterans Legacy Grants Program

§ 38.710 Purpose and use of grant funds.

Sections 38.710 through 38.785 establish the Veterans Legacy Grants Program (VLGP). Under this program, VA may provide grants to eligible entities defined in § 38.715 to:

(a) Conduct research related to national, State, or Tribal Veterans' cemeteries;

(b) Produce educational materials that teach about the history of Veterans interred in national, State, or Tribal Veterans' cemeteries;

(c) Contribute to the extended memorialization of Veterans interred in national, State, or Tribal Veterans' cemeteries by presenting grantee research on national, State, or Tribal Veterans' cemeteries through site hosting and other digital technologies; and,

(d) Promote community engagement with the histories of Veterans interred in national, State, or Tribal Veterans' cemeteries.

(Authority: 38 U.S.C. 501(d), 2400 note)

§ 38.715 Definitions.

For purposes of this part and any Notice of Funding Availability (NOFA) issued pursuant to this part:

(a) *Applicant* means an eligible entity that submits a VLGP grant application that is announced in a NOFA.

(b) *Community engagement* means strategic interaction with identified groups of people, whether they are connected by geographic location, special interest, or affiliation, to identify and address issues related to the legacy of Veterans.

(c) *Eligible recipient (or entity)* means one of the following:

(1) An institution of higher learning;

(2) A local educational agency;

(3) A non-profit entity that the Secretary determines has a demonstrated history of community engagement that pertains to the projects described in the relevant NOFA;

(4) An educational institution; or

(5) Another recipient (or entity) the Secretary deems appropriate.

(d) *Institution of higher learning (IHL)* means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree.

(e) *Educational institution* means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults.

(f) *Local educational agency (LEA)* means any public agency or authority, including a state educational agency, that has administrative control or direction over public elementary or secondary schools under 20 U.S.C. 7801(30). The term would also include any Bureau of Indian Education school, as covered in 20 U.S.C. 7801(30)(C).

(g) *State educational agency (SEA)* means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

(h) *Non-profit entity* means any organization chartered under 26 U.S.C. 501(c)(3).

(i) *Educational materials* means a framework of digital instructional materials relevant to the grade level of K–12 students involved (*e.g.,* lesson plans) that can be used for outreach and other purposes.

(j) *Grantee* means an eligible recipient that is awarded a VLGP grant under this part.

(k) *Notice of Funding Availability (NOFA)* means a Notice of Funding Availability published in the OMB-designated government-wide website in accordance with § 38.725 and 2 CFR 200.203 regulations.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.720 Grants—general.

(a) *Grants.* VA may award VLGP grants to eligible recipients selected under § 38.730 of this part.

(b) *Maximum amounts.* The maximum grant amount to be awarded to each grantee and the total maximum amount for all grants will be specified in the annually published NOFA.

(c) *Number of grants awarded.* The number of grants VA will award will depend on the total amount of grant funding available at VA's discretion and the funding amount awarded to each grantee, which is based on each grantee's proposal.

(d) *Grant is not a course buyout.* The grant funds shall not be used to substitute a class that an instructor is required to teach during an academic year.

(e) *Matching requirement.* VA will determine whether a grantee must provide matching funds as a condition of receiving a VLGP grant as set forth in the NOFA.

(f) *Grant is not Veterans' benefit.* The VLGP grant is not a Veterans' benefit. VA decisions on VLGP applications are final and not subject to the same appeal rights as Veterans' benefits decisions.

(Authority: 38 U.S.C. 501(d), 2400 note)

§ 38.725 Notice of Funding Availability (NOFA).

When funds are available for VLGP grants, VA will publish a NOFA in the **Federal Register** and in *Grants.gov* (*http://www.grants.gov*). The NOFA will identify:

(a) The location for obtaining VLGP grant applications, including the specific forms that will be required;

(b) The date, time, and place for submitting completed VLGP grant applications;

(c) The estimated total amount of funds available and the maximum funds available to a single grantee;

(d) The minimum number of total points and points per category that an applicant must receive to be considered for a grant and information regarding the scoring process;

(e) Any timeframes and manner for payments under the VLGP grant;

(f) A description of eligible entities or other eligibility requirements necessary to receive the grant; and

(g) Other information necessary for the VLGP grant application process, as determined by VA, including contact information for the office that will oversee the VLGP within VA.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.730 Applications.

To apply for a grant, an eligible entity must submit to VA a complete application package, as described in the NOFA. Applications will be accepted only through *Grants.gov* (*http://www.grants.gov*). A complete grant application, as further described in the NOFA, includes standard forms specified in the NOFA and the following:

(a) *Project description.* Each project must serve a minimum of one VA national cemetery, State Veterans' cemetery, or Tribal Veterans' cemetery. The applicant must provide a narrative project description that demonstrates the best approach for attaining required results as set forth in the NOFA;

(b) *Project team.* If applicable, the applicant must provide a narrative description of anticipated project team and any work partner(s), including the responsibilities of the principal investigator, the co-principal investigators, and any extramural partner entity;

(c) *Project plan.* The applicant must include a detailed timeline for the tasks outlined in the project description and proposed milestones;

(d) *Expertise and capacity.* The applicant must provide a description of the applicant's ability and capacity to administer the project. This may include evidence of past experience with projects similar in scope as defined by the NOFA, to include descriptions of the engagement model, examples of successful leadership and management of a project of similar scale and budget (or greater), or related work in this field;

(e) *Match.* If specified as a requirement in the NOFA, the applicant must provide evidence of secured cash matching (1:1) funds or of its ability to secure commitments to receive such funds;

(f) *Proposed budget.* The applicant's proposed budget should identify all costs and proposed expenditures, to include additional compensation and honoraria (and to whom); equipment costs; production costs; and travel costs. The applicant must provide a budget that specifies costs and payments, as well as indirect and other relevant costs. The budget will be submitted in a format specified in the NOFA; and

(g) *Additional information.* Any additional information as deemed appropriate by VA and set forth in the NOFA.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.735 Additional factors for deciding applications.

(a) *Applicant's performance on prior award.* VA may consider the applicant's noncompliance with requirements applicable to prior VA or other Federal agency awards as reflected in past written evaluation reports and memoranda on performance and the completeness of required prior submissions.

(b) *Applicant's fiscal integrity.* Applicants must meet and maintain standards of fiscal integrity for participation in Federal grant programs as reflected in 2 CFR 200.205.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.740 Scoring and selection.

(a) *Scoring.* VA will only score complete applications received from eligible applicants by the deadline established in the NOFA. The applications must meet the minimum criteria set forth in § 38.730 and will be scored as specified in the NOFA, as set forth in § 38.725.

(b) *Selection of recipients.* All complete applications will be scored using the criteria in paragraph (a) of this section and ranked in order of highest to lowest total score. NOFA announcements may also clarify the selection criteria in paragraph (a) of this section. The relative weight (point value) for each selection will be specified in the NOFA. VA will award any VLGP grant on the primary basis of the scores but will also consider a risk assessment evaluation.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.745 Disposition of applications.

(a) *Disposition of applications.* Upon review of an application and dependent on availability of funds, VA will:

(1) Approve the application for funding, in whole or in part, for such amount of funds, and subject to such conditions that VA deems necessary or desirable;

(2) Determine that the application is of acceptable quality for funding, in that it meets minimum criteria, but disapprove the application for funding because it does not rank sufficiently high in relation to other applications to qualify for an award based on the level of funding available, or for another reason as provided in the decision document; or

(3) Defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Notification of disposition.* VA will notify the applicant in writing of the disposition of the application. A signed grant agreement form, as defined in § 38.755, will be issued to the applicant of an approved application.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.750 Withdrawal of grant application.

Applicants may withdraw a VLGP application submitted through

Grants.gov by writing the specified VA point of contact and including rationale for the withdrawal request within a certain number of days as determined in the NOFA.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.755 Grant agreement.

After a grant is approved for award, VA will draft a grant agreement to be executed by VA and the grantee. Upon execution of the grant agreement, VA will obligate the grant amount. The grant agreement will provide that the recipient agrees, and will ensure that each subrecipient (if applicable) agrees, to:

(a) Operate the program in accordance with the provisions of §§ 38.710 through 38.785, 2 CFR part 200, and the applicant's VLGP application;

(b) Comply with such other terms and conditions, including recordkeeping and reports for program monitoring and evaluation purposes, as VA may establish in the Terms and Conditions of the grant agreement for purposes of carrying out the VLGP project in an effective and efficient manner; and

(c) Provide additional information that VA requests with respect to:

(1) Program effectiveness, as defined in the Terms and Conditions of the grant agreement;

(2) Compliance with the Terms and Conditions of the grant agreement; and

(3) Criteria for evaluation, as defined in the Terms and Conditions of the grant agreement.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.760 Payments under the grant.

(a) Grantees are to be paid in accordance with the timeframes and manner set forth in the NOFA.

(b) *Availability of grant funds.* Federal financial assistance will become available subsequent to the effective date of the grant as set forth in the grant agreement. Recipients may be reimbursed for costs resulting from obligations incurred before the effective date of the grant, if such costs are authorized by VA in the NOFA or the grant agreement or authorized subsequently by VA in writing, and otherwise would be allowable as costs of the grant under applicable guidelines, regulations, and terms and conditions of the grant agreement.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.765 Grantee reporting requirements.

(a) *Final report.* All grantees must submit to VA, not later than 60 days after the last day of grant period for which a grant is provided under this part, a final report that meets the requirement set forth in the NOFA.

(b) *Additional reporting.* Additional reporting requirements may be requested by VA to allow VA to assess program effectiveness.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.770 Recovery of funds by VA.

(a) *Recovery of funds.* VA may recover from the grantee any funds that are not used in accordance with a grant agreement. If VA decides to recover such funds, VA will issue to the grantee a notice of intent to recover grant funds, and the grantee will then have 30 days to return the grant funds or submit documentation demonstrating why the grant funds should not be returned. After review of all submitted documentation, VA will determine whether action will be taken to recover the grant funds.

(b) *Prohibition of additional VLGP payments.* When VA makes a final decision to recover grant funds from the grantee, VA must stop further payments of grant funds under this part until the grant funds are recovered and the condition that led to the decision to recover grant funds has been resolved.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.775 Compliance review requirements.

(a) *Site visits.* VA may conduct, as needed, site visits to grantee locations to review grantee accomplishments and management control systems.

(b) *Inspections.* VA may conduct, as needed, inspections of grantee records to determine compliance with the provisions of this part. All visits and evaluations will be performed with minimal disruption to the grantee to the extent practicable.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.203)

§ 38.780 Financial management.

(a) *Compliance.* All recipients will comply with applicable requirements of the Single Audit Act Amendments of 1996, as implemented by 2 CFR part 200.

(b) *Financial Management.* All grantees must use a financial management system that complies with 2 CFR part 200. Grantees must meet the applicable requirements of the Office of Management and Budget's regulations on Cost Principles at 2 CFR 200.400–200.475.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.400–200.475)

§ 38.785 Recordkeeping.

Grantees must ensure that records are maintained in accordance with 2 CFR 200.333. Grantees must produce such records at VA's request.

(Authority: 38 U.S.C. 501(d), 2400 note and 2 CFR 200.333)

[FR Doc. 2021–22999 Filed 10–25–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 420

[RR85672000, 22XR0680A2, RX.31480001.0040000]

RIN 1006–AA57

Off-Road Vehicle Use; Correction

AGENCY: Bureau of Reclamation, Interior.

ACTION: Correcting amendment.

SUMMARY: We, the Bureau of Reclamation (Reclamation), published a final rule in the **Federal Register** on October 22, 2020, to add a definition for electric bikes (E-bikes) and exclude E-bikes from the regulatory definition of an off-road vehicle. Since the publication of the final rule, an editorial error was discovered in the definitions section. This action makes the necessary correction to the final rule.

DATES: This correction is effective October 26, 2021.

FOR FURTHER INFORMATION CONTACT: Ronnie Baca, Asset Management Division, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225; (303) 445–3257; *rbaca@usbr.gov.* If you use a telecommunication device for the deaf (TDD), you may call the Federal Relay Service at (800) 877–8339 to contact us.

SUPPLEMENTARY INFORMATION: On August 29, 2019, the Secretary of the Interior signed Secretarial Order 3376 (SO), *Increasing Recreation Opportunities Through the Use of Electric Bikes,* that directed Reclamation and other Department of the Interior (Department) bureaus (Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service) to increase recreation opportunities and expand access on public lands. The SO addressed regulatory uncertainty on how bureaus within the Department manage recreational opportunities for E-bikes on trails and paths where traditional bikes are allowed. To implement this SO, Reclamation published an amendment to 43 CFR part 420 on October 22, 2020 (85 FR 67294)

to add a definition for E-bikes and exclude E-bikes from the regulatory definition of an off-road vehicle where E-bikes are being used on roads and trails where mechanized, non-motorized use is allowed, where E-bikes are not propelled exclusively by a motorized source, and appropriate Reclamation Regional Directors expressly determine through a formal decision that E-bikes should be treated the same as non-motorized bicycles.

In the final rule document 2020–22108, appearing on page 67298, in the third column, in § 420.5(a), ''*Off-road vehicle* means any motorized vehicle (including standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term *includes:*'' is to be corrected to read ''*Off-road vehicle* means any motorized vehicle (including standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term *excludes*''. The intended purpose of the SO was to increase recreation opportunities through the use of E-bikes. This correction allows E-bikes to not be subject to the restrictions set forth in 43 CFR part 420. This exclusion from the definition aligns Reclamation's regulations with the purpose of the SO and with the other Bureaus' regulations. To correct the editorial error discovered in the final rule publication, ''the term includes'' must be revised to ''the term excludes'' in the definition.

Administrative Procedure

As explained above, this correcting amendment is necessary to correct an editorial error in the final rule. Neither the final rule nor this amendment alters the compliance statements issued in the final rule. Therefore, under these circumstances, we have determined, pursuant to 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. Public comment could not inform this process in any meaningful way. We have further determined that, under 5 U.S.C. 553(d)(3), the agency has good cause to make this correction effective upon publication, which is to comply with our regulations as soon as practicable.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this correcting amendment is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this correcting amendment in a manner consistent with these requirements.

Regulatory Flexibility Act

This correcting amendment will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Small Business Regulatory Enforcement Fairness Act

This correcting amendment is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This correcting amendment:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA)

This correcting amendment does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This correcting amendment does not have a significant or unique effect on State, local, or tribal governments or the private sector. The correcting amendment is a technical amendment that corrects an editorial error in a previously published final rule and imposes no requirements on other agencies or governments. A statement containing information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This correcting amendment does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. This correcting amendment is not a government action capable of interfering with constitutionally protected property rights. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this correcting amendment does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. It does not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This correcting amendment complies with the requirements of Executive Order 12988. Specifically, this correcting amendment:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Departmental Policy)

The Department strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this correcting amendment under the Department's consultation policy and under the criteria in Executive Order

13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

Paperwork Reduction Act of 1995

This correcting amendment does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required.

National Environmental Policy Act

This correcting amendment does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the amendment is categorically excluded from NEPA analysis under DOI categorical exclusion, 43 CFR 46.210(i), which covers ''Policies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively, or case-by-case.'' This correcting amendment is a technical amendment that corrects an editorial error discovered in the 43 CFR part 420 that published on October 22, 2020 (85 FR 67294).

Pursuant to 43 CFR 46.205(c), Reclamation has reviewed its reliance upon this categorical exclusion against the list of extraordinary circumstances, at 43 CFR 46.215, and has found that none are applicable for this correcting amendment. Therefore, neither an environmental assessment nor an environmental impact statement is required for this correcting amendment.

Effects on the Energy Supply (Executive Order 13211)

This correcting amendment is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required. This correcting amendment will not have a significant effect on the nation's energy supply, distribution, or use.

List of Subjects in 43 CFR Part 420

E-bikes, Recreation.

For the reasons stated in the preamble, we amend part 420, title 43 of the Code of Federal Regulations, with the following correcting amendment:

PART 420—OFF-ROAD VEHICLE USE

■ 1. The authority citation for part 420 continues to read as follows:

Authority: 32 Stat. 388 (43 U.S.C. 391 *et seq.*) and acts amendatory thereof and supplementary thereto; E.O. 11644 (37 FR 2877).

■ 2. In § 420.5, revise paragraph (a) introductory text to read as follows:

§ 420.5 Definitions.

* * * * *

(a) *Off-road vehicle* means any motorized vehicle (including standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term excludes:

* * * * *

Tanya Trujillo,

Assistant Secretary for Water and Science.

[FR Doc. 2021–23269 Filed 10–25–21; 8:45 am]

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Proposed Rules

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

DEPARTMENT OF ENERGY

10 CFR Part 460

[EERE–2009–BT–BC–0021]

RIN 1904–AC11

Energy Conservation Program: Energy Conservation Standards for Manufactured Housing: Availability of Provisional Analysis

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

ACTION: Supplemental notice of proposed rulemaking; reopening of public comment period and notification of data availability (NODA).

SUMMARY: The U.S. Department of Energy (DOE) is reopening the public comment period for the supplemental notice of proposed rulemaking (''SNOPR'') regarding proposals to amend energy conservation standards for manufactured housing. DOE published the SNOPR in the **Federal Register** on August 26, 2021. DOE is also publishing a notice of data availability (NODA) for the manufactured housing energy conservation standards rulemaking announcing the availability of updated analyses and results, and is giving interested parties an opportunity to comment on these analyses and submit additional data.

DATES: The comment period for the SNOPR which published on August 26, 2021 (86 FR 47744), is reopened. DOE will accept comments, data, and information regarding the SNOPR and NODA received no later than November 26, 2021. See section IX, ''Public Participation,'' for details.

ADDRESSES: Any comments submitted must identify the NODA for Energy Conservation Standards for Manufactured Housing and provide docket number EERE–2009–BT–STD–0021 and/or regulatory information number (RIN) number 1904–AC11. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

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

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section IX.A of this document.

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

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2009-BT-BC-0021.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section IX.A for information on how to submit comments through *www.regulations.gov.*

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I. Background

DOE published a supplemental notice of proposed rulemaking (''SNOPR'') proposing amended energy conservation standards for manufactured housing on August 26, 2021 (''August 2021 MH SNOPR''). 86 FR 47744. In the August 2021 MH SNOPR, DOE's primary proposal was the ''tiered'' approach, based on the 2021 IECC, wherein a subset of the energy conservation standards would be less stringent for certain manufactured homes in light of the cost-effectiveness considerations required by statute. Under the tiered proposal, two sets of standards would be established in proposed 10 CFR part 460, subpart B (*i.e.,* Tier 1 and Tier 2). Tier 1 would apply to manufactured homes with a manufacturer's retail list price of $55,000 or less, and also incorporate building thermal envelope measures based on certain thermal envelope components subject to the 2021 IECC, but would limit the incremental purchase price increase to an average of approximately $750. Tier 2 would apply to manufactured homes with a manufacturer's retail list price

above $55,000, and incorporate building thermal envelope measures based on certain thermal envelope components and specifications of the 2021 IECC (*i.e.,* the Tier 2 requirements would be the same as those under the proposed single, ''untiered'' set of standards). 86 FR 47744, 47746.

As noted in the August 2021 MH SNOPR, several data sources that served as inputs to the August 2021 MH SNOPR have since been updated to include more recent data that DOE did not incorporate in its analyses in the August 2021 MH SNOPR. 86 FR 47758. DOE sought comment on the use of these data sources for this rulemaking. Further, based on comments and consultations with the U.S. Department of Housing and Urban Development (HUD), DOE conducted a sensitivity analysis using an alternate tier threshold based on size (*e.g.,* single-section vs. multi-section homes) for the tiered proposal. DOE also performed a sensitivity analysis with alternate wall insulation requirements for climate zones 2 and 3 for both the tiered and the untiered standards. This notice of data availability (NODA) announces the availability of these updated inputs and corresponding analyses results and invites interested parties to submit comments on these analyses or provide any additional data. DOE will consider the updated inputs and corresponding analyses, as well comments on the inputs and analyses, as part of this rulemaking. DOE may further revise the analysis presented in this rulemaking based on any new or updated information or data it obtains. DOE encourages stakeholders to provide any additional data or information that may inform the analysis.

II. Summary of the Analyses Performed by the Department of Energy

DOE conducted analyses of manufactured housing for both the August 2021 MH SNOPR and this NODA in the following areas: (1) Life-cycle cost (''LCC'') and payback period (''PBP''), (2) national impacts, and (3) emissions impacts.

DOE conducts LCC and PBP analyses to evaluate the economic impacts on individual consumers of energy conservation standards for manufactured housing. The LCC is the total consumer expense of a manufactured home over the life of that home, consisting of total installed cost plus total operating costs. To compute the total operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the product (or another specified period).[1] The PBP is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost of a more-efficient manufactured home through lower operating costs.

DOE conducts the national impact analysis (''NIA'') to assess the national energy savings (''NES'') and the national net present value (''NPV'') from a national perspective of total consumer costs and savings that would be expected to result from new or amended standards. DOE calculates the NES and NPV based on projections of annual product shipments, along with the annual energy consumption and total incremental cost data from the LCC analyses.

Finally, DOE estimates environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with electricity production. DOE bases these estimates on a 30-year analysis period of manufactured home shipments and includes the reductions in emissions that accrue over the 30-year home lifetime. DOE's analysis estimates reductions in emissions of six pollutants associated with energy savings: Carbon dioxide (CO_2), mercury (Hg), nitric oxide and nitrogen dioxide (NO_X), sulfur dioxide (SO_2), methane (CH_4), and nitrous oxide (N_2O). These reductions are referred to as ''site'' emissions reductions. Furthermore, DOE estimates reductions due to ''upstream'' activities in the fuel production chain. These upstream activities comprise extraction, processing, and transporting fuels to the site of combustion. Together, site emissions reductions and upstream emissions reductions account for the FFC. Further, DOE calculates the value of the reduced emissions of CO_2, CH_4, and N_2O (collectively, greenhouse gases or GHGs) using a range of values per metric ton of pollutant, consistent with the interim estimates issued in February 2021 under Executive Order 13990. Separately, DOE also estimates the monetary benefits from the reduced emissions of NO_X and SO_2.

III. Summary of the Updated Inputs Since the August 2021 MH SNOPR

As noted in the August 2021 MH SNOPR, several data sources that served as inputs to the August 2021 MH SNOPR have since been updated to include more recent data that DOE did not incorporate in its analyses in the August 2021 MH SNOPR. 86 FR 47758. Table III.1 presents a summary of the updated inputs and the analyses that are impacted because of the updates to the data. DOE will consider the updated inputs and corresponding analyses, as well comments on the inputs and analyses, as part of this rulemaking. DOE may further revise the analysis presented in this rulemaking based on any new or updated information or data it obtains. DOE encourages stakeholders to provide any additional data or information that may inform the analysis.

TABLE III.1—UPDATED INPUTS TO THE ANALYSIS CONDUCTED FOR THE ENERGY CONSERVATION STANDARDS

SNOPR	NODA	Analyses impacted
2014 Consumer Finance Protection Bureau (CFPB) Manufactured Housing Finance Report.	2021 CFPB Manufactured Housing Finance Report.	Impacts the LCC, PBP and NIA analyses.
2019 Manufactured Housing Survey (MHS)	2020 MHS	Determines the manufacturer's retail list price threshold for the tiered proposal, and affects shipments for NIA and emissions analyses.
Annual Energy Outlook (AEO) 2020	AEO 2021	Impacts the LCC, PBP, NIA and emissions analyses.
2019 Shipments	2020 Shipments	Impacts the NIA and emissions analyses.
2015 Energy Star Shipments	2020 Energy Star Shipments.	

[1] In the August 2021 SNOPR, DOE performed LCC analyses for a 30-year period, based on the assumed lifetime of manufactured homes. 86 FR 87744, 87791–87792. Additionally, based on comments received, to measure the LCC of the first homeowner of a manufactured home, DOE also performed LCC analyses for a 10-year period. *Id.* Analyses for both a 30-year and 10-year period are presented in this NODA.

Sections III.A through III.D provide a summary of the input updates for this NODA. Sections IV through VI provide the LCC, PBP, national and emissions impacts results based on the input updates discussed in this section.

A. 2021 CFPB Manufactured Housing Finance Report

The CFPB manufactured housing (''MH'') report analyzes the differences between mortgage loans used for site-built homes, and mortgage loans and chattel loans used for manufactured homes.[2] For the August 2021 MH SNOPR, the proposed manufacturer's retail list price tier threshold for the tiered standard was developed using loan data derived from the 2014 CFPB report,[3] and purchase price data derived from the MHS 2019 Public Use File (''PUF'') data.[4] 86 FR 47744, 47760. In this NODA, DOE maintained the same analysis as the August 2021 MH SNOPR, but updated the CFPB MH report source to the latest version, which is the 2021 CFPB MH report. Section III.B provides the discussion regarding the updated purchase price data using MHS 2020 PUF data.

To calculate the tier threshold for the tiered standard, DOE considered that low-income purchasers of manufactured homes would mostly likely use chattel loans, or similar loans that are high-priced.[5] The 2014 CFPB MH report explicitly stated that high-priced manufactured housing loans (including chattel loans) account for roughly 68 percent of total manufactured housing loans.[6]

The 2021 CFPB MH report no longer reports this information. Instead, the 2021 CFPB MH report lists the proportion of loans that are chattel loans, as well as the proportion of chattel and non-chattel loans that are high-priced loans. The 2021 CFPB MH report states that 42 percent of all manufactured home loans are chattel loans; accordingly, DOE determined that the remaining (58 percent) would be non-chattel loans. Of the chattel loans, the 2021 CFPB MH report states that 93.8 percent are high-priced loans. Similarly, of the non-chattel loans, the 2021 CFPB MH report states that 52.4 percent are high-priced loans. Using these data, DOE estimates that approximately 70 percent (42% * 93.8% + 58% * 52.4% = 70%) of all manufactured housing loans (*i.e.,* chattel and non-chattel loans) were high-priced loans. Accordingly, for this NODA, DOE assumed that high-priced manufactured housing loans (including chattel loans) account for roughly 70 percent of total manufactured housing loans. This percentage is used to determine the updated manufacturer's retail list price tier threshold, which is discussed further in section III.B.

Additionally, the 2021 CFPB MH report also lists the median chattel loan term as 23 years, which differs from the 15-year value that DOE assumed in the August 2021 MH SNOPR, which was based on suggestions from the MH working group. 86 FR 47744, 47793. For this NODA, DOE assumes a chattel loan term of 23 years, which is consistent with the 2021 CFPB MH report. The impact of the longer loan on the analysis is that it increased LCC savings and decreased NPV at 3 percent discount rate.

B. 2020 Manufactured Housing Survey

The MHS, which is sponsored by HUD and collected by the Census Bureau, provides data on shipments, prices and characteristics of new manufactured housing.[7] Specifically, the MHS PUF data provide estimates of average sales prices for new manufactured homes sold or intended for sale by geographical region and size of home.

As discussed in section III.A, for the August 2021 MH SNOPR, the purchase price data used to determine the manufacturer's retail list price tier threshold was derived from the MHS 2019 PUF data. 86 FR 47744, 47760. In this section, DOE discusses the updates based on the latest MHS data, which is the MHS 2020 PUF data.[8]

The MHS 2020 PUF data set provides data that relates Census region (the U.S. Census Bureau divides the country into four census regions) with sales price. Table III.2 summarizes the average, minimum and maximum sales prices based on census region and number of sections. In general, the data indicate that average sales price (specifically for single-section homes) does not differ significantly based on census region.

TABLE III.2—MHS PUF 2020 CENSUS REGION AND SALES PRICE DATA

Census region	Single-section sales price (2020$)			Dual-section sales price* (2020$)		
	Average	Minimum	Maximum	Average	Minimum	Maximum
Northeast	$57,916	$35,600	$95,000	$107,951	$56,000	$233,000
Midwest	56,983	33,200	79,000	104,987	54,000	184,000
South	56,798	31,400	79,000	106,942	58,000	170,000
West	61,748	34,100	117,000	118,282	64,000	236,000
All	57,233	31,400	117,000	108,583	54,000	236,000

* The MHS PUF 2020 dataset provides multi-section home sales price separately for dual-section homes and triple-section (or larger) homes; however the triple-section (or larger) homes data is not differentiated by census region. Therefore, DOE only presents the dual-section data in this table, which should generally represent the sales price for multi-section homes (triple-section or larger represent 1 percent of the market in 2020 based on the MHS PUF 2020 dataset).

Further, the MHS also summarizes average manufactured home sales price by state.[9] Table III.3 presents the average sales prices in 2020 per HUD climate zone based on the MHS data discussed previously and manufactured

[2] Manufactured Housing Finance: New Insights from the Home Mortgage Disclosure Act; *https://www.consumerfinance.gov/data-research/research-reports/manufactured-housing-finance-new-insights-hmda/.*

[3] CFPB report, 2014. *https://files.consumerfinance.gov/f/201409_cfpb_report_manufactured-housing.pdf.*

[4] Manufactured Housing Survey, Public Use File (PUF) 2019. *https://www.census.gov/data/datasets/2019/econ/mhs/puf.html.*

[5] The Consumer Finance Protection Bureau (CFPB) generally describes a higher-priced mortgage loan as a loan with an annual percentage rate, or APR, higher than a benchmark rate called the Average Prime Offer Rate. The requirements for this loan can be found in 12 CFR 1026.35.

[6] 2014 CFPB MH report; See page 6.

[7] Manufactured Housing Survey; *www.census.gov/programs-surveys/mhs.html.*

[8] Manufactured Housing Survey, Public Use File (PUF) 2020. *https://www.census.gov/data/datasets/2020/econ/mhs/puf.html.*

[9] Manufactured Housing Survey, Annual Tables of New Manufactured Homes: 2014–2020; *https://www.census.gov/data/tables/time-series/econ/mhs/annual-data.html.*

home shipments published by Manufactured Housing Institute.[10]

TABLE III.3—MHS AVERAGE SALES PRICE DATA BY HUD CLIMATE ZONE

HUD climate zone	Single-section average sales price (2020$)	Dual-section average sales price (2020$)
1	$57,124	$107,003
2	57,290	111,208
3	56,207	109,147

To determine the updated manufacturer's retail list price tier in a similar manner to what was considered in the August 2021 MH SNOPR, DOE assumed that price-sensitive, low-income purchasers rely on high-priced loans, given the inability to qualify for conventional loans. Based on the analysis in section III.A, the 70th percentile manufactured housing price gives an estimate for the upper bound for a manufactured home sales price that a price-sensitive low-income purchaser could afford. If people typically receive one primary loan, the percentage of high-priced loans used should be roughly equivalent to the percentage of people receiving high-priced loans (*e.g.,* 70 percent). DOE considered that low-income purchasers would mainly purchase single-section homes that are, on average, at a lower sales price than multi-section homes. Applying the 70th percentile for single-section manufactured homes using the MHS PUF 2020 data yields a sales price of approximately $63,000 (in real 2020$).

Using the updated tier threshold at $63,000 (in real *2020$*) and the MHS PUF 2020 data set, DOE determined the shipment breakdown based on tier and climate zone using the same methodology as presented in the August 2021 MH SNOPR. 86 FR 47744, 47809–47810. This included applying a ''substitution effect'' [11] to 20 percent of homes within $1,000 of the price threshold ($63,001–$64,000) that would shift to less stringent standards, *i.e.,* from Tier 2 to Tier 1. *Id.* Accordingly, Table III.4 presents the corresponding percentage of total manufactured homes placed/sold applicable to each tier based on climate zone and size using the updated inputs. Compared to the August 2021 MH SNOPR, a higher percentage of single-section manufactured home shipments are in Tier 1, *i.e.,* Climate zone 1 or 2: 73.85 percent in this document vs. 53.58 percent in the August 2021 MH SNOPR; Climate zone 3: 73.28 percent in this document vs. 57.32 percent in the August 2021 MH SNOPR). Further, a portion of multi-section manufactured home shipments will also be in Tier 1.

TABLE III.4—SHIPMENT BREAKDOWN BASED ON TIER AND PROPOSED CLIMATE ZONE

	Climate zone 1 or 2		Climate zone 3		Combined climate zone (%)
	Single-section (%)	Multi-section (%)	Single-section (%)	Multi-section (%)	
Tier 1 Standard	74	5	73	3	35
Tier 2 Standard	26	95	27	97	65
Total	100	100	100	100	100

C. AEO 2021

The *AEO* presents long-term annual projections of energy supply, demand, and prices. The projections, focused on U.S. energy markets, are based on results from DOE Energy Information Administration's (''EIA'') National Energy Modeling System (''NEMS''). NEMS enables EIA to make projections under internally consistent sets of assumptions. DOE used *AEO* projections as inputs into several analyses for the August 2021 MH SNOPR, which are discussed in more detail in this section.

For the August 2021 MH SNOPR, DOE used inputs from *AEO 2020* for establishing energy prices, escalation rates, inflation rates and housing starts. 86 FR 47744, 47794. In this NODA, DOE maintains the same source as the August 2021 MH SNOPR, but updated the *AEO* source to the latest version, which is *AEO 2021*.[12] Further, DOE updated the electricity prices from the EIA *Short-Term Energy Outlook*.[13] Specifically, DOE used electricity prices from 2020 quarter 2 and quarter 3 for summer electricity prices, and quarter 4 of 2020 and quarter 1 of 2021 for winter electricity prices. Table III.5 presents a comparison of the August 2021 MH SNOPR and NODA fuel prices and escalation rates.

TABLE III.5—AEO 2021 FUEL PRICES AND ESCALATION RATES UPDATES

	SNOPR		NODA	
	Price	Escalation rate (%)	Price	Escalation rate (%)
Electricity:				
Summer	13.3 cents/kWh	2.3	13.3 cents/kWh	2.2
Winter	12.9 cents/kWh		13.2 cents/kWh	
Natural gas	10.3 $/MBtu	2.8	10.1 $/Mbtu	2.8
Liquid petroleum gas (LPG)	21.6 $/Mbtu	4.1	17.3 $/Mbtu	3.7
Oil	22.8 $/Mbtu	3.3	17.8 $/Mbtu	3.8

[10] Manufactured Housing Institute, Annual Production and Shipment Data; *https://www.manufacturedhousing.org/annual-production/.*

[11] DOE considered that a percentage of manufactured homes placed/sold would shift to less stringent standards, *i.e.,* a percentage of homes from Tier 2 would shift to Tier 1. The inclusion of this shift in the market is to more accurately estimate energy savings (and other downstream results).

[12] Energy Information Administration. Annual Energy Outlook 2021 with Projections to 2050. (2021).

[13] Energy Information Administration. Short-Term Energy Outlook: Real Prices Viewer. Available at: *www.eia.gov/forecasts/steo/realprices/.*

To forecast the nominal price increase of manufactured homes, DOE used the inflation forecast rate built into the *AEO 2021* at 2.28 percent, compared to the August 2021 MH SNOPR inflation based on *AEO 2020* at 2.33 percent. To forecast shipments into the future, DOE used a 5-year-average projection for growth in new housing starts from *AEO 2021* resulting in a 0.42 percent growth per year compared to the August 2021 MH SNOPR projection for growth based on *AEO 2020* at 0.3 percent growth per year.

For the August 2021 MH SNOPR, DOE derived annual average site-to-power plant factors based on the version of the NEMS that corresponds to AEO 2020. DOE calculated primary energy savings (power plant consumption) from site electricity savings by applying a factor to account for losses associated with the generation, transmission, and distribution of electricity. DOE computed the full-fuel cycle (''FFC'') by encompassing the energy consumed in extracting, processing, and transporting or distributing primary fuels, which we refer to as ''upstream'' activities. 86 FR 47744, 47814. In this NODA, DOE updated the same inputs to *AEO 2021.* Table III.6 presents a comparison of the August 2021 MH SNOPR (based on *AEO 2020*) and NODA (based on *AEO 2021*) primary energy and FFC factors.

TABLE III.6—PRIMARY ENERGY AND FFC FACTORS, 2020–2050

Factor type	Fuel type	Dimensionless factor			
		2020	2030	2040	2050
SNOPR					
Primary	Electricity	2.881	2.669	2.650	2.653
FFC	Electricity	1.049	1.044	1.044	1.041
	Natural Gas	1.109	1.114	1.112	1.107
	LPG/Oil	1.174	1.172	1.176	1.180
NODA					
Primary	Electricity	2.845	2.714	2.698	2.677
FFC	Electricity	1.044	1.039	1.037	1.037
	Natural Gas	1.101	1.098	1.098	1.099
	LPG/Oil	1.169	1.171	1.179	1.185

For the August 2021 MH SNOPR, DOE also used the *AEO 2020* to derive the power sector marginal emissions intensity factors for CO_2, NO_X, SO_2, and Hg. 86 FR 47744, 47814. For this NODA, DOE updated the emissions factors to *AEO 2021.*

Finally, in the August 2021 MH SNOPR, DOE also proposed that under the tiered proposal the manufacturer's retail list price thresholds would be adjusted for inflation (for the applicable year of compliance) using the most recently available AEO GDP deflator time series, which at the time was *AEO 2020.* 86 FR 47744, 47761. As such, in Table III.7, DOE provides the updated AEO 2021 GDP deflator series.

TABLE III.7—AEO 2021 GDP DEFLATOR

	GDP deflator
2020	1
2025	1.0756
2030	1.2203
2035	1.3702
2040	1.5208
2045	1.7038
2050	1.9527

D. 2020 Shipments

The Institute for Building Technology and Safety (''IBTS'') provides yearly shipments of manufactured homes, which is also published by the Manufactured Housing Institute (''MHI'').[14] For the August 2021 MH SNOPR, DOE considered the 2019 shipment data provided through MHI as the latest data available at the time of the analysis. 86 FR 47744, 47798. For the August 2021 MH SNOPR, DOE only received historical shipment data of ENERGY STAR certified manufactured homes categorized by state from 2001 to 2015. Chapter 10 of the August 2021 MH SNOPR Technical Support Document (''TSD''). Further, DOE did not account for ENERGY STAR homes for the no-standard shipments and therefore excluded any ENERGY STAR shipments to avoid overestimating energy savings. 86 FR 47744, 47808.

In this NODA, DOE updated the August 2021 MH SNOPR analysis by considering the 2020 shipment data provided through MHI.[15] Further, DOE also received updated 2020 ENERGY STAR shipment data, albeit not separated by size (*i.e.,* single-section vs. multi-section). DOE notes that there are more ENERGY STAR shipments in 2020 than projected in the August 2021 MH SNOPR, which reduces the total number of shipments applicable for the no-standards case and standards case compared to the August 2021 MH SNOPR, in turn reducing the net present value (NPV) for both the untiered and tiered standards. Finally, as discussed in section III.C, DOE also updated the housing starts (shipment growth rate) to be consistent with *AEO 2021.* Table III.8 and Table III.9 presents the single-section and multi-section manufactured home shipments considered in the August 2021 MH SNOPR and this NODA.

[14] See Manufactured Home Shipments by Product Mix, 2019, Manufactured Housing Institute. *www.manufacturedhousing.org/annual-production/.*

[15] See Manufactured Home Shipments by Product Mix, 2020, Manufactured Housing Institute. *www.manufacturedhousing.org/annual-production/.*

TABLE III.8—SINGLE-SECTION MANUFACTURED HOMES SHIPMENTS

Year	No-Standards case		Tiered standard		Untiered standard	
	SNOPR	NODA	SNOPR	NODA	SNOPR	NODA
2025	41,304	36,855	40,610	36,388	40,041	35,642
2030	41,923	37,632	41,225	37,155	40,640	36,395
2035	42,558	38,429	41,853	37,938	41,255	37,164
2040	43,198	39,243	42,481	38,744	41,876	37,950
2045	43,853	40,074	43,128	39,565	42,507	38,754
2050	44,514	40,927	43,768	40,403	43,153	39,579

TABLE III.9—MULTI-SECTION MANUFACTURED HOMES SHIPMENTS

Year	No-Standards case		Tiered standard		Untiered standard	
	SNOPR	NODA	SNOPR	NODA	SNOPR	NODA
2025	48,268	43,045	47,247	42,069	47,247	42,038
2030	48,999	43,952	47,961	42,965	47,961	42,924
2035	49,738	44,886	48,685	43,869	48,685	43,836
2040	50,489	45,836	49,421	44,800	49,421	44,768
2045	51,249	46,803	50,163	45,752	50,163	45,710
2050	52,019	47,798	50,919	46,727	50,919	46,681

IV. Summary of Updated SNOPR Analysis Results

This section provides the results for the LCC and PBP, NIA and Emissions analyses based on the updates discussed in section III.

TABLE IV.1—AVERAGE MANUFACTURED HOUSING PURCHASE PRICE (AND PERCENTAGE) INCREASES UNDER THE TIERED STANDARD

[2020$]

	Tier 1				Tier 2			
	Single-section		Multi-section		Single-section		Multi-section	
	$	%	$	%	$	%	$	%
Climate Zone 1	$627	1.2	$897	0.9	$2,567	4.8	$4,131	4.0
Climate Zone 2	627	1.2	897	0.9	4,806	9.0	6,149	5.9
Climate Zone 3	719	1.4	700	0.7	4,645	8.7	5,822	5.6
National Average	660	1.2	839	0.8	3,902	7.3	5,267	5.1

TABLE IV.2—AVERAGE MANUFACTURED HOUSING PURCHASE PRICE (AND PERCENTAGE) INCREASES UNDER UNTIERED STANDARD

[2020$]

	Untiered			
	Single-section		Multi-section	
	$	%	$	%
Climate Zone 1	$2,567	4.8	$4,131	4.0
Climate Zone 2	4,806	9.0	6,149	5.9
Climate Zone 3	4,645	8.7	5,822	5.6
National Average	3,902	7.3	5,267	5.1

TABLE IV.3—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE TIERED STANDARD BY CLIMATE ZONE

[2020$] *

	Tier 1		Tier 2	
	Single-section	Multi-section	Single-section	Multi-section
Climate Zone 1	$1,042	$1,601	$2,427	$3,844

TABLE IV.3—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE TIERED STANDARD BY CLIMATE ZONE—Continued

[2020$] *

	Tier 1		Tier 2	
	Single-section	Multi-section	Single-section	Multi-section
Climate Zone 2	1,143	1,705	1,156	1,983
Climate Zone 3	2,560	3,550	2,311	3,056
National Average	1,606	2,205	2,045	3,023

* No cities exhibit negative LCC savings in Tier 1. San Francisco is the only city that exhibits negative LCC savings in Tier 2.

TABLE IV.4—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE TIERED STANDARD BY CLIMATE ZONE

[2020$] *

Climate zone	City	Tier 1		Tier 2	
		Single-section	Multi-section	Single-section	Multi-section
1	Miami	$460	$850	$1,345	$2,336
1	Houston	931	1,541	2,231	3,747
1	Atlanta	1,532	2,481	3,258	5,468
1	Charleston	1,093	1,773	2,494	4,176
1	Jackson	1,312	2,104	2,989	4,968
1	Birmingham	1,317	2,101	2,895	4,806
2	Phoenix	616	1,026	665	1,763
2	Memphis	1,493	2,364	1,491	2,743
2	El Paso	990	1,547	1,106	2,185
2	San Francisco	543	812	(387)	(68)
2	Albuquerque	1,089	1,719	1,074	2,096
3	Baltimore	2,422	3,678	2,002	3,164
3	Salem	1,475	2,191	411	822
3	Chicago	2,443	3,738	2,018	3,239
3	Boise	1,682	2,562	890	1,558
3	Burlington	2,503	3,798	2,193	3,439
3	Helena	2,441	3,631	2,431	3,631
3	Duluth	3,917	5,794	5,013	7,256
3	Fairbanks	5,851	8,516	9,307	13,065
	National Average	1,606	2,205	2,045	3,023

* Negative values in parenthesis.

TABLE IV.5—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE UNTIERED STANDARD BY CLIMATE ZONE

[2020$] *

	Single-section	Multi-section
Climate Zone 1	$2,154	$3,409
Climate Zone 2	863	1,573
Climate Zone 3	1,942	2,583
National Average	1,733	2,585

* San Francisco is the only city that exhibits negative LCC savings in the untiered standard results.

TABLE IV.6—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE UNTIERED STANDARD BY CLIMATE ZONE

[2020$] *

Climate zone	City	Single-section	Multi-section
1	Miami	$1,142	$1,998
1	Houston	1,971	3,318
1	Atlanta	2,931	4,928
1	Charleston	2,217	3,719
1	Jackson	2,680	4,459
1	Birmingham	2,592	4,308
2	Phoenix	403	1,368
2	Memphis	1,176	2,286

TABLE IV.6—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) UNDER THE UNTIERED STANDARD BY CLIMATE ZONE—Continued

[2020$] *

Climate zone	City	Single-section	Multi-section
2	El Paso	817	1,766
2	San Francisco	(585)	(349)
2	Albuquerque	781	1,674
3	Baltimore	1,662	2,696
3	Salem	167	495
3	Chicago	1,667	2,751
3	Boise	614	1,183
3	Burlington	1,822	2,929
3	Helena	2,053	3,118
3	Duluth	4,462	6,501
3	Fairbanks	8,478	11,933
	National Average	1,733	2,585

* Negative values in parenthesis.

TABLE IV.7—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD UNDER THE TIERED STANDARD BY CLIMATE ZONE

	Tier 1		Tier 2	
	Single-section	Multi-section	Single-section	Multi-section
Climate Zone 1	4.7	4.5	8.5	8.5
Climate Zone 2	4.5	4.4	13.3	12.5
Climate Zone 3	2.9	2.1	11.5	11.3
National Average	3.7	3.5	11.0	10.6

TABLE IV.8—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD UNDER THE TIERED STANDARD BY CLIMATE ZONE

Climate zone	City	Tier 1		Tier 2	
		Single-section	Multi-section	Single-section	Multi-section
1	Miami	7.4	6.5	10.8	10.5
1	Houston	5.1	4.6	8.8	8.6
1	Atlanta	3.7	3.3	7.3	7.1
1	Charleston	4.6	4.2	8.4	8.2
1	Jackson	4.1	3.8	7.6	7.5
1	Birmingham	4.1	3.8	7.8	7.6
2	Phoenix	6.5	6.0	14.5	12.9
2	Memphis	3.7	3.5	12.6	11.4
2	El Paso	4.9	4.6	13.3	12.1
2	San Francisco	7.2	7.0	18.5	17.1
2	Albuquerque	4.8	4.5	13.9	12.7
3	Baltimore	2.9	2.0	11.5	10.7
3	Salem	4.3	3.2	15.8	15.1
3	Chicago	3.0	2.1	12.1	11.2
3	Boise	3.9	2.8	14.4	13.6
3	Burlington	3.0	2.1	12.2	11.3
3	Helena	3.0	2.1	11.4	10.7
3	Duluth	2.0	1.4	8.4	7.8
3	Fairbanks	1.4	1.0	5.7	5.3
	National Average	3.7	3.5	11.0	10.6

TABLE IV.9—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD UNDER THE UNTIERED STANDARD BY CLIMATE ZONE

	Single-section	Multi-section
Climate Zone 1	8.5	8.5
Climate Zone 2	13.3	12.5
Climate Zone 3	11.5	11.3

TABLE IV.9—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD UNDER THE UNTIERED STANDARD BY CLIMATE ZONE—Continued

	Single-section	Multi-section
National Average	11.0	10.6

TABLE IV.10—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD UNDER THE UNTIERED STANDARD BY CLIMATE ZONE

Climate zone	City	Single-section	Multi-section
1	Miami	10.8	10.5
1	Houston	8.8	8.6
1	Atlanta	7.3	7.1
1	Charleston	8.4	8.2
1	Jackson	7.6	7.5
1	Birmingham	7.8	7.6
2	Phoenix	14.5	12.9
2	Memphis	12.6	11.4
2	El Paso	13.3	12.1
2	San Francisco	18.5	17.1
2	Albuquerque	13.9	12.7
3	Baltimore	11.5	10.7
3	Salem	15.8	15.1
3	Chicago	12.1	11.2
3	Boise	14.4	13.6
3	Burlington	12.2	11.3
3	Helena	11.4	10.7
3	Duluth	8.4	7.8
3	Fairbanks	5.7	5.3
	National Average	11.0	10.6

TABLE IV.11—NATIONAL AVERAGE PER-HOME COST SAVINGS *

	Single-section	Multi-section
Tier 1 Standard		
Lifecycle Cost Savings (30-Year Lifetime)	$1,606	$2,205
Lifecycle Cost Savings (10-Year Lifetime)	$726	$1,015
Annual Energy Cost Savings in 2020$	$176	$238
Simple Payback Period	3.7	3.5
Tier 2 Standard		
Lifecycle Cost Savings (30-Year Lifetime)	$2,045	$3,023
Lifecycle Cost Savings (10-Year Lifetime)	$78	$235
Annual Energy Cost Savings in 2020$	$354	$496
Simple Payback Period	11.0	10.6
Untiered Standard		
Lifecycle Cost Savings (30-Year Lifetime)	$1,733	$2,585
Lifecycle Cost Savings (10-Year Lifetime)	($57)	$50
Annual Energy Cost Savings in 2020$	$354	$496
Simple Payback Period	11.0	10.6

* Negative values in parenthesis.

TABLE IV.12—CUMULATIVE FULL-FUEL-CYCLE NATIONAL ENERGY SAVINGS OF MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME

	Single-section quadrillion Btu (quads)	Multi-section (quads)
Tiered Standard		
Climate Zone 1	0.163	0.526
Climate Zone 2	0.139	0.475
Climate Zone 3	0.274	0.435

TABLE IV.12—CUMULATIVE FULL-FUEL-CYCLE NATIONAL ENERGY SAVINGS OF MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME—Continued

	Single-section quadrillion Btu (quads)	Multi-section (quads)
Total	0.576	1.436
Untiered Standard		
Climate Zone 1	0.276	0.542
Climate Zone 2	0.249	0.489
Climate Zone 3	0.370	0.439
Total	0.894	1.470

TABLE IV.13—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 7% DISCOUNT RATE *

	Single-section *billion 2020$*	Multi-section *billion 2020$*
Tiered Standard		
Climate Zone 1	$0.15	$0.31
Climate Zone 2	0.08	(0.01)
Climate Zone 3	0.33	0.18
Total	0.56	0.48
Untiered Standard		
Climate Zone 1	$0.16	$0.30
Climate Zone 2	(0.06)	(0.04)
Climate Zone 3	0.11	0.16
Total	0.21	0.42

* Negative values in parenthesis.

TABLE IV.14—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 3% DISCOUNT RATE

	Single-section *billion 2020$*	Multi-section *billion 2020$*
Tiered Standard		
Climate Zone 1	$0.45	$1.15
Climate Zone 2	0.29	0.45
Climate Zone 3	0.99	0.86
Total	1.73	2.47
Untiered Standard		
Climate Zone 1	$0.57	$1.11
Climate Zone 2	0.09	0.35
Climate Zone 3	0.62	0.78
Total	1.28	2.23

TABLE IV.15—EMISSIONS REDUCTIONS ASSOCIATED WITH MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME

Pollutant	Tiered standard		Untiered standards	
	Single-section	Multi-section	Single-section	Multi-section
Site Emissions Reductions				
CO_2 (million metric tons)	23.7	55.1	35.7	56.2
Hg (metric tons)	0.037	0.097	0.058	0.0995
NO_X (thousand metric tons)	12.9	27.5	18.8	28.0

TABLE IV.15—EMISSIONS REDUCTIONS ASSOCIATED WITH MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME—Continued

Pollutant	Tiered standard		Untiered standards	
	Single-section	Multi-section	Single-section	Multi-section
SO_2 (thousand metric tons)	8.8	20.9	13.4	21.3
CH_4 (thousand metric tons)	1.28	3.16	1.97	3.24
N_2O (thousand metric tons)	0.26	0.58	0.383	0.591
Upstream Emissions Reductions				
CO_2 (million metric tons)	2.4	5.2	3.52	5.3
Hg (metric tons)	1.84E–04	4.52E–04	2.84E–04	4.63E–04
NO_X (thousand metric tons)	30.4	66.6	44.8	68
SO_2 (thousand metric tons)	0.24	0.48	0.343	0.49
CH_4 (thousand metric tons)	155	362	234	370
N_2O (thousand metric tons)	0.013	0.027	0.019	0.028
Total Emissions Reductions				
CO_2 (million metric tons)	26.2	60.3	39.3	61.5
Hg (metric tons)	0.037	0.097	0.059	0.1
NO_X (thousand metric tons)	43	94.1	64	96
SO_2 (thousand metric tons)	9.1	21.4	13.7	21.8
CH_4 (thousand metric tons)	156	365	236	373
N_2O (thousand metric tons)	0.27	0.61	0.40	0.62

TABLE IV.16—NET PRESENT VALUE OF MONETIZED BENEFITS FROM GHG AND EMISSIONS REDUCTIONS

	Discount rate %	Net present value *million 2020$*			
		Tiered standard		Untiered Standard	
		Single-section	Multi-section	Single-section	Multi-section
GHG Reduction (using avg. social costs at 5% discount rate) *	5	254.2	587.8	382.2	600.7
GHG Reduction (using avg. social costs at 3% discount rate) *	3	1,074.3	2,481.0	1,614.1	2,535.2
GHG Reduction (using avg. social costs at 2.5% discount rate) *	2.5	1,763.2	4,069.6	2,648.5	4,158.4
GHG Reduction (using 95th percentile social costs at 3% discount rate) *	3	3,229.0	7,454.7	4,850.7	7,617.5
NO_X Reduction **	3	114.5	233.6	165.0	243.1
	7	39.9	81.6	57.5	84.9
SO_2 Reduction **	3	176.2	373.2	257.2	389.0
	7	62.0	132.3	90.8	137.9

* Estimates of SC-CO_2 SC-CH_4, and SC-N_2O are calculated using a range of discount rates for use in regulatory analyses. Three sets of values are based on the average social costs from the integrated assessment models, at discount rates of 5 percent, 3 percent, and 2.5 percent. The fourth set, which represents the 95th percentile of the social cost distributions. calculated using a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the social cost distributions. The social cost values are emission year specific. See section IV.D of the August 2021 MH SNOPR for more details.

** The benefits from NO_X and SO_2 were based on the low estimate monetized value.

V. Sensitivity Analysis Results—Alternate Size-Based Tier Threshold for the Tiered Standard

For this NODA, DOE also considered a sensitivity analysis where the tier threshold for the tiered standard would be based on the manufactured home size instead of the manufacturer's retail list price. Specifically, the Tier 1 standard would apply to all single-section homes, and the Tier 2 standard would apply to all multi-section homes. Table V.1 presents the updated shipments breakdown for this sensitivity analysis using the MHS 2020 PUF data set.

TABLE V.1—SHIPMENT BREAKDOWN BASED ON TIER UNDER THE ALTERNATE SIZE-BASED THRESHOLD

	All climate zones		
	Single-section (%)	Multi-section (%)	Total (%)
Tier 1 Standard	100	0	45
Tier 2 Standard	0	100	55

TABLE V.1—SHIPMENT BREAKDOWN BASED ON TIER UNDER THE ALTERNATE SIZE-BASED THRESHOLD—Continued

	All climate zones		
	Single-section (%)	Multi-section (%)	Total (%)
Total	100	100	100

The following tables present the results for the NIA and emissions analyses results based on the alternate size-based tier threshold for the tiered standard only. DOE notes that the LCC and PBP analyses results presented in section IV for both the tiered and untiered standards would not change for this sensitivity analysis. This is because the LCC and PBP analysis evaluates the economic impacts on individual consumers of energy conservation standards for manufactured housing, not the entire nation. Further, the NIA and emissions results presented in section IV for the untiered standard would also not change for this sensitivity analysis because the tier threshold does not apply.

TABLE V.2—CUMULATIVE FULL-FUEL-CYCLE NATIONAL ENERGY SAVINGS OF MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

	Tiered standard	
	Single-section (quads)	Multi-section (quads)
Climate Zone 1	0.123	0.542
Climate Zone 2	0.100	0.489
Climate Zone 3	0.239	0.439
Total	0.462	1.470

TABLE V.3—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

	Tiered Standard			
	7% discount rate		3% discount rate	
	Single-section *billion 2020$*	Multi-section* *billion 2020$*	Single-section *billion 2020$*	Multi-section* *billion 2020$*
Climate Zone 1	$0.15	$0.31	$0.40	$1.17
Climate Zone 2	0.13	(0.03)	0.35	0.44
Climate Zone 3	0.40	0.17	1.10	0.85
Total	0.68	0.45	1.85	2.46

* Negative values in parenthesis.

TABLE V.4—EMISSIONS REDUCTIONS ASSOCIATED FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

	Tiered Standard	
Pollutant	Single-section	Multi-section
Site Emissions Reductions		
CO_2 (million metric tons)	19.5	56.2
Hg (metric tons)	0.0292	0.0995
NO_X (thousand metric tons)	10.9	28.0
SO_2 (thousand metric tons)	7.2	21.3
CH_4 (thousand metric tons)	1.03	3.24
N_2O (thousand metric tons)	0.21	0.59
Upstream Emissions Reductions		
CO_2 (million metric tons)	2.0	5.3
Hg (metric tons)	1.48E–04	4.63E–04
NO_X (thousand metric tons)	25.4	68.0
SO_2 (thousand metric tons)	0.21	0.49
CH_4 (thousand metric tons)	127	370
N_2O (thousand metric tons)	0.011	0.028

TABLE V.4—EMISSIONS REDUCTIONS ASSOCIATED FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD—Continued

Pollutant	Tiered Standard	
	Single-section	Multi-section
Total Emissions Reductions		
CO_2 (million metric tons)	21.5	61.5
Hg (metric tons)	0.029	0.100
NO_X (thousand metric tons)	36.3	96
SO_2 (thousand metric tons)	7.4	21.8
CH_4 (thousand metric tons)	128	373
N_2O (thousand metric tons)	0.23	0.62

TABLE V.5—NET PRESENT VALUE OF MONETIZED BENEFITS FROM GHG AND EMISSIONS REDUCTIONS UNDER THE ALTERNATE SIZE-BASED THRESHOLD

Monetary benefits	Discount rate %	Tiered standard: Net present value *million 2020$*	
		Single-section	Multi-section
GHG Reduction (using avg. social costs at 5% discount rate)*	5	208.5	600.7
GHG Reduction (using avg. social costs at 3% discount rate)*	3	881.3	2,535.2
GHG Reduction (using avg. social costs at 2.5% discount rate)*	2.5	1,446.6	4,158.4
GHG Reduction (using 95th percentile social costs at 3% discount rate)*	3	2,648.9	7,617.5
NO_X Reduction**	3	96.4	243.1
	7	33.5	84.9
SO_2 Reduction**	3	147.2	389.0
	7	51.7	137.9

* Estimates of SC-CO_2 SC-CH_4, and SC-N_2O are calculated using a range of discount rates for use in regulatory analyses. Three sets of values are based on the average social costs from the integrated assessment models, at discount rates of 5 percent, 3 percent, and 2.5 percent. The fourth set, which represents the 95th percentile of the social cost distributions calculated using a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the social cost distributions. The social cost values are emission year specific. See section IV.D of the August 2021 MH SNOPR for more details.

** The benefits from NO_X and SO_2 were based on the low estimate monetized value.

VI. Sensitivity Analysis Results—Alternate R–21 Exterior Wall Insulation for Climate Zone 2 and 3 for Tier 2 and Untiered Standards

For this NODA, DOE also conducted a sensitivity analysis using less stringent measures for exterior wall insulation for the Tier 2 and untiered standards. Specifically, the component requirements proposed in the August 2021 MH SNOPR for the prescriptive path for Climate Zone 2 and 3 require that exterior walls be sealed using R–20+5 exterior wall insulation. DOE proposed this requirement based on the 2021 IECC without modification. The ''+5'' involves using ''continuous insulation,'' which is insulation that runs continuously over structural members and is free of significant thermal bridging. DOE's proposal requires continuous insulation only for the exterior wall insulation component. 86 FR 47744, 47772.

Accordingly, in this NODA, DOE considered a sensitivity analysis wherein DOE analyzed a less stringent exterior wall insulation requirement for the Tier 2/untiered standard instead. In this sensitivity analysis, DOE considered an R–21 exterior wall insulation as opposed to the proposed R–20+5, which would require continuous insulation. At R–20+5, the incremental cost relative to the baseline is $2,500, versus $850 for R–21. For this analysis, DOE maintained the NODA-updated manufacturer tier threshold (at $60,000 in real *2020$*) for the tiered standard.

The following tables present the results based on the alternate wall insulation for climate zone 2 and 3 for the Tier 2 and untiered standards only. DOE notes that the Tier 1 results presented in section IV would not change for this sensitivity analysis.

TABLE VI.1—AVERAGE MANUFACTURED HOUSING PURCHASE PRICE (AND PERCENTAGE) INCREASES UNDER TIER 2 OF THE TIERED STANDARD AND THE UNTIERED STANDARD

[2020$]

	Tier 2/untiered			
	Single-section		Multi-section	
	$	*%*	*$*	*%*
Climate Zone 1	$2,567	4.8	$4,131	4.0
Climate Zone 2	3,082	5.8	4,438	4.3
Climate Zone 3	2,921	5.5	4,111	4.0

TABLE VI.1—AVERAGE MANUFACTURED HOUSING PURCHASE PRICE (AND PERCENTAGE) INCREASES UNDER TIER 2 OF THE TIERED STANDARD AND THE UNTIERED STANDARD—Continued

[2020$]

	Tier 2/untiered			
	Single-section		Multi-section	
	$	%	$	%
National Average	2,830	5.3	4,222	4.1

TABLE VI.2—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) BY CLIMATE ZONE

[2020$] *

	Tier 2 standard		Untiered standard	
	Single-section	Multi-section	Single-section	Multi-section
Climate Zone 1	$2,427	$3,844	$2,154	$3,409
Climate Zone 2	2,401	3,238	2,105	2,826
Climate Zone 3	3,333	4,101	2,977	3,639
National Average	2,740	3,727	2,432	3,291

* No cities exhibit negative LCC savings in Tier 1 or Tier 2.

TABLE VI.3—AVERAGE MANUFACTURED HOME LCC SAVINGS (30 YEARS) BY CLIMATE ZONE

[2020$]

Climate zone	City	Tier 2 standard		Untiered standard	
		Single-section	Multi-section	Single-section	Multi-section
1	Miami	$1,345	$2,336	$1,142	$1,998
1	Houston	2,231	3,747	1,971	3,318
1	Atlanta	3,258	5,468	2,931	4,928
1	Charleston	2,494	4,176	2,217	3,719
1	Jackson	2,989	4,968	2,680	4,459
1	Birmingham	2,895	4,806	2,592	4,308
2	Phoenix	1,987	3,076	1,718	2,674
2	Memphis	2,718	3,967	2,402	3,508
2	El Paso	2,353	3,431	2,061	3,008
2	San Francisco	951	1,274	745	985
2	Albuquerque	2,306	3,325	2,012	2,902
3	Baltimore	3,053	4,211	2,723	3,752
3	Salem	1,582	1,992	1,341	1,668
3	Chicago	3,079	4,291	2,738	3,814
3	Boise	2,001	2,669	1,732	2,301
3	Burlington	3,230	4,468	2,872	3,970
3	Helena	3,381	4,583	3,021	4,087
3	Duluth	5,778	8,015	5,258	7,290
3	Fairbanks	9,600	13,363	8,831	12,291
	National Average	2,740	3,727	2,432	3,291

TABLE VI.4—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD BY CLIMATE ZONE

	Tier 2/untiered standard	
	Single-section	Multi-section
Climate Zone 1	8.5	8.5
Climate Zone 2	9.3	9.6
Climate Zone 3	8.1	8.6
National Average	8.5	8.9

TABLE VI.5—AVERAGE MANUFACTURED HOME SIMPLE PAYBACK PERIOD BY CLIMATE ZONE

Climate zone	City	Tier 2 standard/untiered standard	
		Single-section	Multi-section
1	Miami	10.8	10.5
1	Houston	8.8	8.6
1	Atlanta	7.3	7.1
1	Charleston	8.4	8.2
1	Jackson	7.6	7.5
1	Birmingham	7.8	7.6
2	Phoenix	10.1	9.8
2	Memphis	8.8	8.7
2	El Paso	9.3	9.3
2	San Francisco	13.0	13.2
2	Albuquerque	9.7	9.7
3	Baltimore	8.1	8.2
3	Salem	11.2	11.6
3	Chicago	8.5	8.5
3	Boise	10.3	10.5
3	Burlington	8.6	8.7
3	Helena	8.1	8.2
3	Duluth	5.9	5.9
3	Fairbanks	4.0	4.1
	National Average	8.5	8.9

TABLE VI.6—NATIONAL AVERAGE PER-HOME COST SAVINGS

	Single-section	Multi-section
Tier 2 Standard		
Lifecycle Cost Savings (30-Year Lifetime)	$2,740	$3,727
Lifecycle Cost Savings (10-Year Lifetime)	$632	$788
Annual Energy Cost Savings in 2020$	$331	$475
Simple Payback Period	8.5	8.9
Untiered Standard		
Lifecycle Cost Savings (30-Year Lifetime)	$2,432	$3,291
Lifecycle Cost Savings (10-Year Lifetime)	$518	$622
Annual Energy Cost Savings in 2020$	$331	$475
Simple Payback Period	8.5	8.9

TABLE VI.7—CUMULATIVE FULL-FUEL-CYCLE NATIONAL ENERGY SAVINGS OF MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME

	Single-section (quads)	Multi-section (quads)
Tiered Standard		
Climate Zone 1	0.163	0.526
Climate Zone 2	0.134	0.451
Climate Zone 3	0.265	0.405
Total	0.562	1.382
Untiered Standard		
Climate Zone 1	0.276	0.542
Climate Zone 2	0.231	0.463
Climate Zone 3	0.336	0.408
Total	0.843	1.414

TABLE VI.8—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 7% DISCOUNT RATE

	Single-section *billion 2020$*	Multi-section *billion 2020$*
Tiered Standard		
Climate Zone 1	$0.15	$0.31
Climate Zone 2	0.12	0.21
Climate Zone 3	0.37	0.33
Total	0.65	0.85
Untiered Standard		
Climate Zone 1	0.16	0.30
Climate Zone 2	0.10	0.20
Climate Zone 3	0.29	0.32
Total	0.55	0.82

TABLE VI.9—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 3% DISCOUNT RATE

	Single-section *billion 2020$*	Multi-section *billion 2020$*
Tiered Standard		
Climate Zone 1	$0.45	$1.15
Climate Zone 2	0.37	0.89
Climate Zone 3	1.07	1.16
Total	1.90	3.20
Untiered Standard		
Climate Zone 1	0.57	1.11
Climate Zone 2	0.43	0.83
Climate Zone 3	0.96	1.10
Total	1.96	3.03

TABLE VI.10—EMISSIONS REDUCTIONS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME

Pollutant	Tiered standard		Untiered standard	
	Single-section	Multi-section	Single-section	Multi-section
Site Emissions Reductions				
CO_2 (million metric tons)	23.1	52.7	33.5	53.8
Hg (metric tons)	0.036	0.094	0.055	0.096
NO_X (thousand metric tons)	12.6	26.1	17.4	26.6
SO_2 (thousand metric tons)	8.6	20.0	12.5	20.4
CH_4 (thousand metric tons)	1.25	3.04	1.86	3.11
N_2O (thousand metric tons)	0.25	0.55	0.36	0.57
Upstream Emissions Reductions				
CO_2 (million metric tons)	2.35	5.0	3.3	5.1
Hg (metric tons)	1.79E–04	4.35E–04	2.67E–04	4.45E–04
NO_X (thousand metric tons)	29.6	63.5	41.7	64.8
SO_2 (thousand metric tons)	0.24	0.46	0.318	0.47
CH_4 (thousand metric tons)	151	347	219	354
N_2O (thousand metric tons)	0.013	0.026	0.017	0.026
Total Emissions Reductions				
CO_2 (million metric tons)	25.5	57.7	36.8	58.9
Hg (metric tons)	0.036	0.094	0.056	0.096
NO_X (thousand metric tons)	42	90	59	91
SO_2 (thousand metric tons)	8.9	20.4	12.9	20.9
CH_4 (thousand metric tons)	152	350	221	357

TABLE VI.10—EMISSIONS REDUCTIONS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME—Continued

Pollutant	Tiered standard		Untiered standard	
	Single-section	Multi-section	Single-section	Multi-section
N_2O (thousand metric tons)	0.26	0.58	0.38	0.59

TABLE VI.11—NET PRESENT VALUE OF MONETIZED BENEFITS FROM GHG AND EMISSIONS REDUCTIONS

Monetary benefits	Discount rate %	Net present value *million 2020$*			
		Tiered standard		Untiered standard	
		Single-section	Multi-section	Single-section	Multi-section
GHG Reduction (using avg. social costs at 5% discount rate) *	5	247.8	563.0	358.0	574.9
GHG Reduction (using avg. social costs at 3% discount rate) *	3	1,047.3	2,375.8	1,511.8	2,426.0
GHG Reduction (using avg. social costs at 2.5% discount rate) *	2.5	1,718.8	3,896.9	2,480.4	3,979.1
GHG Reduction (using 95th percentile social costs at 3% discount rate) *	3	3,147.6	7,138.5	4,543.0	7,289.0
NO_X Reduction **	3	111.4	221.8	153.2	230.8
	7	38.8	77.5	53.4	80.7
SO_2 Reduction **	3	171.6	355.4	239.6	370.5
	7	60.4	126.0	84.6	131.4

* Estimates of SC-CO_2 SC-CH_4, and SC-N_2O are calculated using a range of discount rates for use in regulatory analyses. Three sets of values are based on the average social costs from the integrated assessment models, at discount rates of 5 percent, 3 percent, and 2.5 percent. The fourth set, which represents the 95th percentile of the social cost distributions calculated using a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the social cost distributions. The social cost values are emission year specific. See section IV.D of the August 2021 MH SNOPR for more details.

** The benefits from NO_X and SO_2 were based on the low estimate monetized value.

A. Sensitivity Analysis Results—Alternate R–21 Exterior Wall Insulation for Climate Zone 2 and 3 Combined With Alternate Size-Based Tier Threshold for Tiered Standard

DOE also considered the same sensitivity analysis using the alternate R–21 exterior wall insulation for climate zone 2 and 3, but using the alternate size-based tier threshold (as discussed in section V) instead of the manufacturer's retail list price tier threshold (as discussed in section III.B).

The following tables present the results for the NIA and emissions analyses results based on this sensitivity for the tiered standard only. The LCC and PBP results for Tier 1 presented in section IV and Tier 2/untiered standard presented in section VI would remain unchanged for this sensitivity analysis. The NIA and emissions analysis results for the untiered standard presented in section VI would remain unchanged for this sensitivity analysis.

TABLE VI.12—CUMULATIVE FULL-FUEL-CYCLE NATIONAL ENERGY SAVINGS OF MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

Tiered standard		
	Single-section (quads)	Multi-section (quads)
Climate Zone 1	0.123	0.542
Climate Zone 2	0.100	0.463
Climate Zone 3	0.239	0.408
Total	0.462	1.414

TABLE VI.13—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

Tiered standard	7% discount rate		3% discount rate	
	Single-section *billion 2020$*	Multi-section *billion 2020$*	Single-section *billion 2020$*	Multi-section *billion 2020$*
Climate Zone 1	$0.15	$0.31	$0.40	$1.17
Climate Zone 2	0.13	0.20	0.35	0.89

TABLE VI.13—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD—Continued

Tiered standard	7% discount rate		3% discount rate	
	Single-section *billion 2020$*	Multi-section *billion 2020$*	Single-section *billion 2020$*	Multi-section *billion 2020$*
Climate Zone 3	0.40	0.33	1.10	1.15
Total	0.68	0.84	1.85	3.22

TABLE VI.14—EMISSIONS REDUCTIONS ASSOCIATED WITH ELECTRICITY PRODUCTION FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME UNDER THE ALTERNATE SIZE-BASED THRESHOLD

Tiered standard		
Pollutant	Single-section	Multi-section
Site Emissions Reductions		
CO_2 (million metric tons)	19.5	53.8
Hg (metric tons)	0.0292	0.096
NO_X (thousand metric tons)	10.9	26.6
SO_2 (thousand metric tons)	7.2	20.4
CH_4 (thousand metric tons)	1.03	3.11
N_2O (thousand metric tons)	0.21	0.57
Upstream Emissions Reductions		
CO_2 (million metric tons)	2.0	5.1
Hg (metric tons)	1.48E–04	4.45E–04
NO_X (thousand metric tons)	25.4	64.8
SO_2 (thousand metric tons)	0.21	0.47
CH_4 (thousand metric tons)	127	354
N_2O (thousand metric tons)	0.011	0.026
Total Emissions Reductions		
CO_2 (million metric tons)	21.5	58.9
Hg (metric tons)	0.029	0.0964
NO_X (thousand metric tons)	36.3	91.4
SO_2 (thousand metric tons)	7.4	20.9
CH_4 (thousand metric tons)	128	357
N_2O (thousand metric tons)	0.23	0.59

TABLE VI.15—NET PRESENT VALUE OF MONETIZED BENEFITS FROM GHG AND EMISSIONS REDUCTIONS UNDER THE ALTERNATE SIZE-BASED THRESHOLD

Tiered standard			
Monetary Benefits	Discount rate %	Net present value *million 2020$*	
		Single-section	Multi-section
GHG Reduction (using avg. social costs at 5% discount rate) *	5	208.5	574.9
GHG Reduction (using avg. social costs at 3% discount rate) *	3	881.3	2,426.0
GHG Reduction (using avg. social costs at 2.5% discount rate) *	2.5	1,446.6	3,979.1
GHG Reduction (using 95th percentile social costs at 3% discount rate) *	3	2,648.9	7,289.0
NO_X Reduction **	3	96.4	230.8
	7	33.5	80.7
SO_2 Reduction **	3	147.2	370.5
	7	51.7	131.4

* Estimates of SC-CO_2 SC-CH_4, and SC-N_2O are calculated using a range of discount rates for use in regulatory analyses. Three sets of values are based on the average social costs from the integrated assessment models, at discount rates of 5 percent, 3 percent, and 2.5 percent. The fourth set, which represents the 95th percentile of the social cost distributions calculated using a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the social cost distributions. The social cost values are emission year specific. See section IV.D of the August 2021 MH SNOPR for more details.

** The benefits from NO_X and SO_2 were based on the low estimate monetized value.

VII. Comparison of the August 2021 MH SNOPR and NODA Results

This section provides summary tables that compare the results from the August 2021 MH SNOPR to all the scenarios presented in this NODA, including the sensitivity analyses. As such, each table presents results for the: (1) August 2021 MH SNOPR analysis; (2) NODA updated SNOPR analysis (section IV); (3) NODA sensitivity—alternate size-based tier threshold (section V); (4) NODA sensitivity—alternate R–21 wall insulation for climate zone 2 and 3 for Tier 2 and untiered (section VI); and (5) NODA sensitivity—alternate R–21 wall insulation for climate zone 2 and 3 and alternate size-based tier threshold (section VI.A).

In the August 2021 MH SNOPR, DOE estimated the SNOPR would result in a decrease in shipments of about 53,329 homes (single section and multi-section combined) for the tiered standard and about 71,290 homes (single section and multi-section combined) for untiered standards based on a price elasticity of demand of –0.48 for the 30 year analysis period (2023–2052). 86 FR 47744, 47758. Table VII.1 presents the same results for the NODA and sensitivity analyses.

TABLE VII.1—CHANGE IN SHIPMENTS FOR TIERED AND UNTIERED STANDARDS

	Reduction in shipments (total)	
	Tiered	Untiered
August 2021 MH SNOPR	53,329	71,290
NODA Updated SNOPR	45,562	70,203
Sensitivity—Alternate Size-Based Tier Threshold	38,288	N/A
Sensitivity—Alternate R–21 Wall Insulation	36,648	53,185
Sensitivity—Alternate R–21 Wall Insulation and Size-Based Tier Threshold	31,956	N/A

The following tables present the NPV results for the August 2021 MH SNOPR and all the scenarios presented in this NODA, including the sensitivity analyses.

TABLE VII.2—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 7% DISCOUNT RATE

[In *billion 2020$*] *

Climate zone	August 2021 MH SNOPR	NODA updated SNOPR	Sensitivity—alternate size-based tier threshold	Sensitivity—alternate R–21 wall insulation	Sensitivity—alternate R–21 wall insulation and size-based tier threshold
Tiered Standard (*Single-section + Multi-section*)					
1	$0.69	$0.46	$0.46	$0.46	$0.46
2	0.16	0.07	0.10	0.33	0.33
3	0.78	0.51	0.57	0.70	0.73
Total	1.62	1.04	1.13	1.50	1.52
Untiered Standard (*Single-section + Multi-section*)					
1	0.70	0.46	N/A	0.46	N/A
2	0.06	(0.10)	N/A	0.30	N/A
3	0.61	0.27	N/A	0.61	N/A
Total	1.36	0.63	N/A	1.37	N/A

* Negative values in parenthesis.

TABLE VII.3—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 3% DISCOUNT RATE

[In billion 2020$] *

Climate zone	August 2021 MH SNOPR	NODA updated SNOPR	Sensitivity—alternate size-based tier threshold	Sensitivity—alternate R–21 wall insulation	Sensitivity—alternate R–21 wall insulation and size-based tier threshold
Tiered Standard (*Single-Section + Multi-Section*)					
1	$2.39	$1.60	$1.57	$1.60	$1.57
2	1.17	0.74	0.79	1.26	1.24

TABLE VII.3—NET PRESENT VALUE OF CONSUMER BENEFITS FOR MANUFACTURED HOMES PURCHASED 2023–2052 WITH A 30-YEAR LIFETIME AT A 3% DISCOUNT RATE—Continued

[In billion 2020$] *

Climate zone	August 2021 MH SNOPR	NODA updated SNOPR	Sensitivity—alternate size-based tier threshold	Sensitivity—alternate R–21 wall insulation	Sensitivity—alternate R–21 wall insulation and size-based tier threshold
3	2.84	1.85	1.95	2.23	2.25
Total	6.40	4.20	4.31	5.10	5.07
Untiered Standard (*Single-Section + Multi-Section*)					
1	2.48	1.68	N/A	1.68	N/A
2	1.02	0.44	N/A	1.26	N/A
3	2.56	1.40	N/A	2.06	N/A
Total	6.06	3.51	N/A	4.99	N/A

TABLE VII.4—NET PRESENT VALUE OF MONETIZED BENEFITS FROM GHG AND EMISSIONS REDUCTIONS

Monetary benefits	Discount rate %	Net present value million 2020$	NODA updated SNOPR	Sensitivity—alternate size-based tier threshold	Sensitivity—alternate R–21 wall insulation	Sensitivity—alternate R–21 wall insulation and size-based tier threshold
		August 2021 MH SNOPR				
Tiered Standard						
GHG	5	$1,075.4	$842.1	$809.2	$810.8	$783.4
	3	4,525.0	3,555.4	3,416.5	3,423.1	3,307.2
NO_X	3	446.0	348.1	339.5	333.1	327.2
	7	157.2	121.5	118.5	116.3	114.2
SO_2	3	734.7	549.5	536.2	527.0	517.7
	7	259.3	194.3	189.6	186.4	183.1
Untiered Standard						
GHG	5	1,190.5	982.9	N/A	932.9	N/A
	3	5,009.4	4,149.4	N/A	3,937.7	N/A
NO_X	3	491.7	408.1	N/A	384.0	N/A
	7	173.3	142.5	N/A	134.1	N/A
SO_2	3	811.0	646.2	N/A	610.1	N/A
	7	286.3	228.7	N/A	216.0	N/A

VIII. Reopening of Comment Period

For the August 2021 MH SNOPR, comments were originally due no later than October 25, 2021. In light of this NODA, DOE has determined that it is appropriate to reopen the comment period to allow additional time for interested parties to prepare and submit comments. Therefore, DOE is reopening the comment period and will accept comments, data, and information on the August 2021 MH SNOPR and this NODA on and before November 26, 2021. Accordingly, DOE will consider any comments received by this date to be timely submitted.

IX. Public Participation

While DOE is not requesting comments on specific portions of the analysis, DOE is interested in receiving comments on all aspects of the data and analysis presented in the NODA and supporting documentation that can be found at: *www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=64.*

A. Submission of Comments

DOE will accept comments, data, and information regarding this supplemental notice of proposed rulemaking before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

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

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want

to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

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

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

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

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (''faxes'') will be accepted.

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

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

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

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

X. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this supplemental notice of proposed rulemaking; reopening of comment period and notification of data availability.

Signing Authority

This document of the Department of Energy was signed on October 19, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 20, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–23188 Filed 10–25–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0881; Project Identifier AD–2020–01062–T]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–12–06, which applies to all Gulfstream Aerospace Corporation (Gulfstream) Model G–IV airplanes. AD 2020–12–06 requires replacing the nose wheel steering servo valve manifold, incorporating revised operating procedures into the airplane flight manual (AFM), doing a records inspection for any incidents of un-commanded nose wheel steering turns, and reporting the results to the FAA. Since the FAA issued AD 2020–12–06, the FAA determined that a typographical error was made in a citing one of the AFM documents. This proposed AD would retain the actions of AD 2020–12–06 and would correct the citation to the AFM. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by December 10, 2021.

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

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

For service information identified in this NPRM, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.* You may view this service information at the FAA, Airworthiness Products Section,

Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0881; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Samuel Belete, Aviation Safety Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5580; fax: (404) 474–5606; email: *samuel.belete@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0881; Project Identifier AD–2020–01062–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Samuel Belete, Aviation Safety Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020) (AD 2020–12–06), for all Gulfstream Model G–IV airplanes. AD 2020–12–06 was prompted by reports of un-commanded nose wheel steering turns. AD 2020–12–06 requires replacing the nose wheel steering servo valve manifold, incorporating revised operating procedures into the AFM, doing a records inspection for any incidents of un-commanded nose wheel steering turns, and reporting the results to the FAA. The agency issued AD 2020–12–06 to prevent moisture from entering the nose steering wheel servo valve, which could freeze and cause an un-commanded nose wheel steering position during touchdown.

Actions Since AD 2020–12–06 Was Issued

Since the FAA issued AD 2020–12–06, a typographical error was found in the title of the AFM required by paragraph (g)(3) of AD 2020–12–06. The paragraph incorrectly references the document number as ''FAC–AC–G400–OPS–0001'' instead of ''GAC–AC–G400–OPS–0001.''

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

This proposed AD would require Gulfstream IV Customer Bulletin Number 244, dated March 12, 2018; Gulfstream G300 Customer Bulletin 244, dated March 12, 2018; Gulfstream G400 Customer Bulletin 244, dated March 12, 2018; Gulfstream IV Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–GIV–OPS–0001, Revision 52, dated October 30, 2017; Gulfstream G300 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G300–OPS–0001, Revision 20, dated October 30, 2017; and Gulfstream G400 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G400–OPS–0001, Revision 20, dated October 30, 2017; which the Director of the Federal Register approved for incorporation by reference as of July 20, 2020 (85 FR 36143, June 15, 2020).

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

Proposed AD Requirements in This NPRM

This proposed AD would retain most of the requirements of AD 2020–12–06. This proposed AD would require revising the AFM (with the correct title of the AFM document for G400 airplanes) and replacing the nose wheel steering servo valve manifold. This proposed AD would also require doing a records inspection for any incidents of un-commanded nose wheel steering turns and reporting all recorded occurrences of un-commanded nose wheel steering turns to the FAA.

Differences Between This Proposed AD and the Service Information

The Gulfstream customer bulletins require reporting compliance with the bulletins to Gulfstream. This proposed AD does not contain that requirement; however, this proposed AD would require reporting any known occurrences of un-commanded nose wheel steering turns to the FAA.

The Gulfstream customer bulletins include a compliance time of 48 months beginning on March 12, 2018. The compliance time for this proposed AD is 36 months after July 20, 2020 (the effective date of AD 2020–12–06).

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 425 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Incorporate AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$36,125
Replace nose wheel steering servo valve	7 work-hours × $85 per hour = $595	63,624	64,219	27,293,075
Review records	1 work-hour × $85 per hour = $85	0	85	36,125
Report results	1 work hour × $85 per hour = $85	0	85	36,125

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

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 be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020); and

■ b. Adding the following new airworthiness directive:

Gulfstream Aerospace Corporation: Docket No. FAA–2021–0881; Project Identifier AD–2020–01062–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 10, 2021.

(b) Affected ADs

This AD replaces AD 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020) (AD 2020–12–06).

(c) Applicability

This AD applies to all Gulfstream Aerospace Corporation Model G–IV airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3200, Landing Gear System.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded nose wheel steering turns. The FAA is issuing this AD to prevent moisture from entering the nose steering wheel servo valve, which could freeze and cause an uncommanded nose wheel steering position during touchdown. The unsafe condition, if not addressed, could result in a lateral runway departure.

(f) Compliance

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

(g) Retained Airplane Flight Manual Revisions for Certain Airplanes

This paragraph restates the requirements of paragraph (g)(1) and (2) of AD 2020–12–06. Within 30 days after July 20, 2020 (the effective date of AD2020–12–06), revise your airplane flight manual (AFM) by incorporating the revision applicable to your airplane configuration as listed in paragraphs (g)(1) and (2) of this AD:

(1) Gulfstream IV Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–GIV–OPS–0001, Revision 52, dated October 30, 2017; or

(2) Gulfstream G300 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G300–OPS–0001, Revision 20, dated October 30, 2017.

(h) Correction to AFM Revision for Certain Airplanes

Within 30 days after the effective date of this AD, revise your AFM by incorporating Gulfstream G400 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G400–OPS–0001, Revision 20, dated October 30, 2017, if applicable to your airplane configuration.

(i) Retained Replacement of Nose Wheel Steering Servo Valve Manifold With No Changes

The paragraph restates the requirements of paragraph (h) of AD 2020–12–06 with no changes. Within 36 months after July 20, 2020 (the effective date of AD2020–12–06), replace the nose wheel steering servo valve manifold with nose wheel steering servo valve manifold part number 5100–11 or 5105–5 in accordance with the Accomplishment Instructions of the customer bulletin that applies to your airplane configuration as listed in paragraphs (i)(1) through (3) of this AD, except you are not required to comply with step H:

(1) Gulfstream IV Customer Bulletin Number 244, dated March 12, 2018;

(2) Gulfstream G300 Customer Bulletin 244, dated March 12, 2018; or

(3) Gulfstream G400 Customer Bulletin 244, dated March 12, 2018.

(j) Retained Records Inspection and Report of Results with No Changes

This paragraph restates the requirements of paragraph (i) of AD 2020–12–06 with no changes.

(1) Between 12 months and 24 months after the replacement of the nose wheel steering valve manifold assembly required in paragraph (i) of this AD, inspect all aircraft records for entries of an un-commanded nose wheel steering turn.

(2) Within 10 days after the records inspection required in paragraph (j)(1) of this AD, report the results of the inspection, regardless of whether the inspection found any entries, to the FAA by either email: *9-ASO-ATLCOS-Reporting@faa.gov;* or by mail: Attn: Continued Operational Safety, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. The report must include as much of the information listed in paragraphs (j)(2)(i) through (vii) of this AD as is known about the event:

(i) Date of records inspection;

(ii) Date and time of all un-commanded occurrences (if any);

(iii) Airplane serial number;

(iv) Weather and runway conditions at the time of each occurrence;

(v) Copy of the pilot's report of the occurrence (if available);

(vi) Maintenance entry of the root cause of the un-commanded deflection (if available); and

(vii) Any other information pertinent to the occurrence.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For more information about this AD, contact Samuel Belete, Aviation Safety Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5580; fax: (404) 474–5606; email: *samuel.belete@faa.gov.*

(2) For service information identified in this AD, Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.* You may view this referenced service information at the FAA Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on October 13, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–23013 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0867; Airspace Docket No. 21–AAL–39]

RIN 2120–AA66

Proposed Establishment of United States Area Navigation (RNAV) Route T–435; Sand Point, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish United States Area Navigation (RNAV) route T–435 in the vicinity of Sand Point, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Comments must be received on or before December 10, 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–2021–0867; Airspace Docket No. 21–AAL–39 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, 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 JO 7400.11F 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 expand the availability of RNAV routing in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

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–2021–0867; Airspace Docket No. 21–

AAL–39) and be submitted in triplicate to the Docket Management Facility (see the **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–2021–0867; Airspace DocketNo. 21–AAL–39.'' 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 the **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 Western Service Center, Operations Support Group, 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: ''To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide en route continuity that is not subject to the restrictions associated with ground based airway navigation.'' As part of this project, the FAA evaluated the existing Colored Airway structure for: (a) Direct replacement (*i.e.,* overlay) with a T-route that offers a similar or lower Minimum En route Altitude (MEA) or Global Navigation Satellite System Minimum En route Altitude (GNSS MEA); (b) the replacement of the colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure. The FAA proposes to establish RNAV route T–435 to offer an RNAV alternative to Colored Federal airway G–12 and VHF omnidirectional range (VOR) Federal airway V–619. The proposed route would provide the following RNAV waypoints (WP); the HOLIM, AK, WP, for the Borland, AK, (HBT) NDB, and the WIXER, AK, WP for the Port Neiden, AK, (PDN) NDB. Additionally, the route would support GNSS flight to Sand Point, AK, Port Neiden, AK and King Salmon, AK.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish RNAV route T–435 in the vicinity of Sand Point, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. The proposed route is described below.

T–435: The FAA proposes to establish T–435 from the HOLIM, AK, WP, over Sand Point, AK to the King Salmon, AK, (AKN) VOR and Tactical Air Navigational System (VORTAC).

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, 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 JO 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–435 HOLIM, AK to KING SALMON, AK [New]

HOLIM, AK	WP	(Lat. 55°18′56.41″ N, long. 160°31′06.22″ W)
RAYMD, AK	WP	(Lat. 55°35′53.52″ N, long. 160°12′33.45″ W)
FEPAB, AK	WP	(Lat. 56°21′10.67″ N, long. 159°30′57.40″ W)
WIXER, AK	WP	(Lat. 56°54′29.00″ N, long. 158°36′10.00″ W)
OBUKE, AK	FIX	(Lat. 57°28′55.62″ N, long. 158°07′01.03″ W)
KING SALMON, AK (AKN)	VORTAC	(Lat. 58°43′28.97″ N, long. 156°45′08.45″ W)

* * * * *

Issued in Washington, DC, on October 19, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–23169 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0742; Airspace Docket No. 21–ASW–16]

RIN 2120–AA66

Proposed Amendment Class E Airspace; Bonham, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Bonham, TX. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the Bonham non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before December 10, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0742/Airspace Docket No. 21–ASW–16, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–0742/Airspace Docket No. 21–ASW–16.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday,

except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at Jones Field, Bonham, TX, by removing the Bonham VORTAC and the associated extension as it is no longer required; adding an extension 2 miles each side of the 002° bearing from the airport extending from the 6.4-mile radius of from the airport to 9.6 miles north of the airport; removing the city associated with the airport to comply with updates to FAA Order 7400.2N, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review due to the decommissioning of the Bonham NDB which provided guidance to instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore:

(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

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

* * * * *

ASW TX E5 Bonham, TX [Amended]

Jones Field, TX
(Lat. 33°36′47″ N, long. 96°10′46″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Jones Field, and within 2 miles each side of the 002° bearing from the airport extending from the 6.4-mile radius to 9.6 miles north of the airport.

Issued in Fort Worth, Texas, on October 18, 2021.

Martin A. Skinner,

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

[FR Doc. 2021–23009 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0864; Airspace Docket No. 21–AAL–13]

RIN 2120–AA66

Proposed Establishment of United States Area Navigation (RNAV) Route T–415; Gulkana, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish United States Area Navigation (RNAV) route T–415 in the vicinity of Gulkana, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Comments must be received on or before December 10, 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–2021–0864; Airspace Docket No. 21–AAL–13 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order JO 7400.11F, 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. FAA Order JO 7400.11F is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F 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 expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessening the dependency on ground based navigation.

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–2021–0864; Airspace Docket No. 21–AAL–13) and be submitted in triplicate to the Docket Management Facility (see the **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–2021–0864; Airspace DocketNo. 21–AAL–13.'' 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 the **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 Western Service Center, Operations Support Group, 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: ''To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide en route continuity that is not subject to the restrictions associated with ground based airway navigation.'' As part of this project, the FAA evaluated the existing Colored Airway structure for: (a) Direct replacement (*i.e.,* overlay) with a T-route that offers a similar or lower Minimum En route Altitude (MEA) or Global Navigation Satellite System Minimum En route Altitude (GNSS MEA); (b) the replacement of the colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure. The FAA proposes to establish RNAV route T–415 to offer RNAV routing in an area where published airways do not exist in order to provide instrument approach connectivity and access to the McCarthy Airport (PAMX), McCarthy, AK. The proposed route GNSS MEAs will ensure terrain/obstacle clearance with continuous two-way VHF voice communications.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish RNAV route T–415 in the vicinity of Gulkana, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. The proposed route is described below.

T–415: The FAA proposes to establish T–415 from the WRNGL, AK, waypoint (WP) over PAMX to the Gulkana, AK, (GKN) VHF omnidirectional range/distance measuring equipment (VOR/DME).

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document would be published subsequently in FAA Order JO 7400.11F.

FAA Order JO 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 JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–415 WRNGL, AK to Gulkana, AK [New]		
WRNGL, AK	WP	(Lat. 61°28′54.40″ N, long. 143°59′24.23″ W)
GRYNE, AK	WP	(Lat. 61°33′21.59″ N, long. 144°15′00.78″ W)
DUYZI, AK	WP	(Lat. 61°45′00.59″ N, long. 144°46′01.75″ W)
GULKANA, AK (GKN)	VOR/DME	(Lat. 62°09′13.51″ N, long. 145°26′50.51″ W)

* * * * *

Issued in Washington, DC, on October 19, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–23123 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 211019–0212]

RIN 0694–AI41

Request for Comments Concerning the Imposition of Export Controls on Certain Brain-Computer Interface (BCI) Emerging Technology

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Bureau of Industry and Security (BIS) maintains controls on the export, reexport and transfer (in-country) of dual-use items and less sensitive military items pursuant to the Export Administration Regulations, including the Commerce Control List (CCL). Certain items that could be of potential concern for export control purposes are not yet listed on the CCL or controlled multilaterally, because they are emerging technologies. Among these items is Brain-Computer Interface (BCI) technology, which includes, *inter alia,* neural-controlled interfaces, mind-machine interfaces, direct neural interfaces, and brain-machine interfaces. BIS is seeking public comments on the potential uses of this technology, particularly with respect to its impact on U.S. national security (*e.g.,* whether such technology could provide the United States, or any of its adversaries, with a qualitative military or intelligence advantage). This document also requests public comments on how to ensure that the scope of any controls that may be imposed on this technology would be effective (in terms of protecting U.S. national security interests) and appropriate (with respect to minimizing their potential impact on legitimate commercial or scientific applications).

DATES: Comments must be received by BIS no later than December 10, 2021.

ADDRESSES: You may submit comments, identified by *regulations.gov* docket number BIS–2021–0032 or by RIN 0694–AI41, through any of the following:

- *Federal eRulemaking Portal: https://www.regulations.gov.* You can find this advance notice of proposed rulemaking by searching for its *regulations.gov* docket number, which is BIS–2021–0032.
- *Email: PublicComments@bis.doc.gov.* Include RIN 0694–AI41 in the subject line of the message.

All filers using the portal or email should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of those comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. Any submissions with file names that do not begin with a ''P'' or ''BC'' will be assumed to be public and will be made publicly available through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on Brain-Computer Interface technology, contact Dr. Betty Lee, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–5817, Email:

Betty.Lee@bis.doc.gov. For questions on the submission of comments, contact Willard Fisher, Regulatory Policy Division, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–6057, Email: *RPD2@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

As part of the National Defense Authorization Act (NDAA) for Fiscal Year 2019, Public Law 115–232, Congress enacted the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. 4801–4852. Section 1758 of ECRA (as codified under 50 U.S.C. 4817) authorizes the Bureau of Industry and Security (BIS) to establish appropriate controls on the export, reexport or transfer (in-country) of emerging and foundational technologies. Pursuant to ECRA, on November 19, 2018, BIS published an advance notice of proposed rulemaking (November 19 ANPRM) (83 FR 58201). That ANPRM identified Brain-Computer Interface (BCI) technology as part of a representative list of technology categories concerning which BIS, through an interagency process, sought public comment to determine whether there are specific emerging technologies that are essential to U.S. national security and for which effective controls can be implemented.

Comments to the November 19 ANPRM on Brain-Computer Interface Technology

In response to its November 19 ANPRM, BIS received approximately 13 comments related to the potential designation of BCI technology as an emerging technology. The substance of these comments is summarized in the following paragraphs.

One respondent noted that BCI technology, although still in the early stages of development, is currently available in Wassenaar Arrangement participating countries (including the United States), as well as in other countries.

Similarly, another respondent indicated that emerging BCI technology has important applications in human health care and assistive technologies and that, consequently, overly broad export controls on such technology could hinder research in these areas. In addition, a respondent in the aerospace sector stated that overly broad export controls would discourage information sharing and thereby hinder BCI research and development projects in the aerospace industry. This respondent also urged that license exceptions should apply to those situations involving technological collaboration with our allies.

Another respondent noted that the imposition of export controls on the representative general categories of technology (including BCI technology) identified in BIS's November 19 ANPRM would impact the fields of automotive development (*e.g.,* autonomous driving and automotive safety), artificial intelligence, advanced materials development, human-machine interfaces and robotics. This respondent expressed the concern that the imposition of overly strict export controls on such technology by the United States could drive future research and development programs to other technologically sophisticated countries in Europe, Asia and the Americas that would not impose unilateral export controls on such technology. As examples of the possible adverse effect of export controls on such technology, this respondent cited the impact that the tightening of export controls had on the U.S. commercial satellite sector and on LiDAR controlled under ECCN 6A001 or ECCN 6A008.j.2.

One respondent urged that U.S. export controls on BCI technology be addressed through the establishment of harmonized multilateral controls. Otherwise, the imposition of export controls on such technology by the United States could adversely impact future collaboration with our allies (*e.g.,* foreign companies might become reluctant to utilize U.S.-origin BCI products or technology if they were subject to unilateral export controls). This respondent also recommended that the United States view its national security interests more narrowly, observing that the United States likely would lose credibility in multilateral export control forums if it tried to tie its national security and economic security interests too closely together. This respondent also asked whether these controls would be applied, across-the-board, to all countries or if they would vary depending upon the country of destination. In addition, the respondent inquired as to whether the *de minimis* provisions in the Export Administration Regulations (EAR) would apply, how often the United States would evaluate and update the scope of these emerging technology controls, and what additional measures (*i.e.,* other than obtaining export or reexport licenses) U.S. companies and non-US entities would be expected to take in order to protect such technology.

Another respondent also warned about the potential harm to U.S. technological leadership and competitiveness if the United States were to impose broad unilateral controls on emerging technologies (including BCI technologies), instead of working with our allies to develop and implement multilateral controls. This respondent stressed that any export controls that are imposed on emerging technologies must apply only to those emerging technologies that are determined to be essential to U.S. national security (*e.g.,* export controls on such technologies should address specific U.S. national security concerns, rather than trade policy issues). In addition, this respondent urged that emerging technologies should not be controlled unless they are exclusive to the United States and encompass only core technologies. This respondent also recommended that U.S. controls should focus primarily on technology required for ''development,'' rather than technology for ''production'' or ''use.'' This respondent further urged that, to the extent possible, any future EAR controls on emerging technologies should be designed to complement the existing controls on the Commerce Control List and the EAR definitions that apply to similar items, and not be described in vague terms (*e.g.,* as capable for use with one or more specified items).

One respondent observed that the digital information field of BCI technology is quite mature and that, consequently, digital information technologies should remain unencumbered for the free exchange and cross-pollination of advancements across borders. In a similar vein, another respondent stated that, if export controls on quantum computing and BCI technologies were not properly crafted, these controls could damage U.S. competitiveness and undermine U.S. technological leadership by slowing development, limiting resources, reducing market participation and limiting collaborative opportunities. This respondent emphasized that, in developing and implementing export controls on such technologies, an effective partnership among government, industry and academia would be essential.

Process To Identify and Control Emerging Technology

Under ECRA, emerging and foundational technologies are those essential to the national security of the United States, but not described in Section 721(a)(6)(A)(i)–(v) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)), as amended. Section 1758(a) of ECRA (50 U.S.C. 4817(a)) outlines an interagency process for identifying emerging and foundational

technologies. This process considers both public and classified information, as well as information from the Emerging Technology Technical Advisory Committee and the Committee on Foreign Investment in the United States. In identifying specific emerging technologies, this process also takes into account all of the following:

- The development of the emerging technologies in foreign countries;
- The effect export controls might have on the development of the emerging technologies in the United States; and
- The effectiveness of export controls on limiting the proliferation of the emerging technologies in foreign countries.

In addition, Section 1758(a)(2)(C) of ECRA (50 U.S.C. 4817(a)(2)(C)) requires that the interagency process for identifying emerging technologies include a notice and comment period.

The Secretary of Commerce must establish appropriate controls on the export, reexport or transfer (in-country) of technology identified pursuant to the Section 1758 process. In so doing, the Secretary must consider the potential end-uses and end-users of emerging and foundational technologies, and the countries to which exports from the United States are restricted (*e.g.,* embargoed countries). While the Secretary has discretion to set the level of export controls, at a minimum a license must be required for the export of such technologies to countries subject to a U.S. embargo, including those countries subject to an arms embargo.

BCI technology has been identified as a technology for evaluation as a potential emerging technology, consistent with the interagency process described in Section 1758 of ECRA. Consequently, BIS is publishing this ANPRM to obtain feedback from the public and U.S. industry concerning whether such technology could provide the United States, or any of its adversaries, with a qualitative military or intelligence advantage.

Fundamentally, BCIs provide a direct communication pathway between an enhanced or wired brain and an external device, with bidirectional information flow.[1] BCIs frequently involve a process in which brain signals are acquired, analyzed and then translated into commands that are: (1) Used to control machines; (2) potentially transferred to other humans; or (3) used for human assessment or enhancement. Medical uses of BCI technology include replacing or restoring useful function to people disabled by neuromuscular disorders such as amyotrophic lateral sclerosis, cerebral palsy, stroke, or spinal cord injury.

BCI technology can also be a promising interaction tool for the public, with many potential applications in multimedia, entertainment and other fields. This technology will also have potential for military use in enhancing the capabilities of human soldiers, including collaboration for improved decision making, assisted-human operations, and advanced manned and unmanned military operations.[2]

Although the ability to apply BCI technology remains subject to certain limitations (*e.g.,* approximately 15–30% of individuals currently are thought to be unable to produce brain signals robust enough to operate a BCI), the scientific community is addressing these limitations through strategies such as: (1) An adaptive machine learning approach that incorporates neurophysiological and psychological traits; and (2) the development of more advanced sensors (*e.g.,* a coordinated network of independent, wireless microscale neural sensors that are able to gather data from much larger groups of brain cells than most current BCI systems).

Request for Comments

Consistent with Section 1758(a)(2)(C) of ECRA (50 U.S.C. 4817(a)(2)(C)), this ANPRM provides the public with notice and the opportunity to comment for the purpose of evaluating BCI technology as an emerging technology. Consequently, BIS welcomes comments on this ANPRM that would address, but not necessarily be limited to, the following questions. If specific BCI systems are discussed as part of any response to these questions, the public is requested to address the effectiveness of such systems (*e.g.,* with respect to validation, assessment, detection of errors and ability to operate, as intended, for all types of individuals).

(1) What specific uniform standards for BCI technology would need to be adopted to ensure their application on a global basis (*i.e.,* as international standards for BCI technology)?

(2) Where does the development of BCI in the United States stand with respect to other countries (*e.g.,* is the United States on the forefront of BCI technology development)?

(3) Is BCI technology currently available for commercial use in certain foreign countries and, if so, where and for what specific purposes (*e.g.,* have foreign companies already developed devices or chips for specific commercial applications)?

(4) Has the current stage of development with respect to invasive and/or non-invasive BCI technology reached the point at which such technology is ready for commercial production and use?

(5) Is the main progress with respect to non-invasive brain signal sensors being made in terms of real-time algorithms designed to transform neural signals into commands (*i.e.,* what is developing faster: ''software'' (algorithms) or hardware (sensors))?

(6) What impact would the establishment of export controls on BCI technology have on U.S. technological leadership (*i.e.,* not only in the field of BCI technology, but overall) and would this impact be distinctly different if controls were placed primarily on ''software'' as opposed to hardware, or *vice versa*?

(7) How is the future development of artificial intelligence (AI) technology or other emerging technologies likely to impact the development of BCI technology, or *vice versa*?

(8) What types of ethical or policy issues are likely to arise from the use of BCI technology (*e.g.,* for medical or military purposes)?

(9) What kinds of risks and benefits currently exist, or are likely to arise, as a result of the application of BCI technology?

(10) What are the potential advantages or disadvantages of using invasive and non-invasive BCI chips/sensors and related ''software'' (*e.g.,* algorithms for signal processing) for specific applications? To what extent would these advantages or disadvantages correspond (or differ) based upon whether invasive or non-invasive BCI chips/sensors and related ''software'' were being used?

(11) Are there any BCI technologies that are significantly more vulnerable than others to cybersecurity threats (*e.g.,* military systems employing BCI technologies that could adversely impact U.S. biodefense)?

(12) What is the potential for transmitted BCI data to be hacked or manipulated to influence the user or machine? Is such data inherently more vulnerable to hacking or manipulation than other forms of data? Would the invasive or non-invasive characteristics of BCI data have any impact on the potential vulnerability of such data?

[1] Krucoff, M.O., Rahimpour, S., Slutzky, M.W., Edgerton, V.R., Turner, D.A. (2016), ''Enhancing Nervous System Recovery through Neurobiologics, Neural Interface Training, and Neurorehabilitation,'' Neuroprosthetics, 10 (584).

[2] Binnendijk, A., Marler, T., Bartels, E.M. (2019), ''Brain-Computer Interfaces: U.S. Tactical Military Applications and Implications,'' RAND Report RR–2996–CGRS.

In addition to public comments that would assist BIS in evaluating the status of BCI technology as an emerging technology, BIS encourages comments that would help it to determine:

(1) Which aspects of BCI technology would be more likely to require monitoring by the U.S. Government (USG); and

(2) Whether specific USG policies and regulations, as well as industry standards, need to be established before this technology becomes widely available for use in commercial applications.

BIS also welcomes comments concerning whether export controls on BCI technology should be implemented multilaterally (rather than unilaterally), in the interest of increasing their effectiveness and minimizing their impact on U.S. industry. As noted above, a number of respondents who commented on BIS's November 19 ANPRM indicated their preference for multilateral export controls over unilateral export controls, because the former typically place U.S. industry on a more level playing field versus producers/suppliers in other countries. In this regard, note that Section 1758(c) of ECRA (as codified under 50 U.S.C. 4817(c)) provides that ''the Secretary of State, in consultation with the Secretary [of Commerce] and the Secretary of Defense, and the heads of other Federal agencies, as appropriate, shall propose that any technology identified pursuant to subsection (a) [of ECRA] be added to the list of technologies controlled by the relevant multilateral export control regimes.'' Subsection (a) of section 1758 (as codified under 50 U.S.C. 4817(a)) addresses the interagency process for identifying emerging technologies.

BIS also encourages comments that address issues raised in the November 19 emerging technology ANPRM public comments (as summarized above) and any other BCI technology topics that they consider to be relevant to this inquiry. The information provided by the respondents in response to this ANPRM will assist BIS in evaluating BCI as a potential emerging technology for the purpose of formulating export control policies that will be both effective and appropriate, with respect to their objective and scope.

Comments should be submitted to BIS as described in the **ADDRESSES** section of this ANPRM and must be received by BIS no later than December 10, 2021.

This rule has been designated a ''significant regulatory action,'' although not economically significant, under Executive Order 12866. Accordingly, this rule has been reviewed by the Office of Management and Budget (OMB).

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–23256 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2021–0441; FRL–9160–01–R5]

Air Plan Approval; Michigan; Base Year Emissions Inventory for the 2010 Sulfur Dioxide Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act (CAA), revisions to the State Implementation Plan (SIP) submitted by the Michigan department of Environment, Great Lakes, and Energy (EGLE) on June 30, 2021. The revisions address the emission inventory requirements for the St. Clair County nonattainment area under the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS or standard). The CAA requires states to develop and submit, as SIP revisions, emission inventories for all areas designated as nonattainment for any NAAQS.

DATES: Comments must be received on or before November 26, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2021–0441 at *http://www.regulations.gov* or via email to *blakley.pamela@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Emily Crispell, Environmental Scientist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8512, *crispell.emily@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. The 2010 SO_2 NAAQS Emissions Inventory Requirements

On June 22, 2010, EPA promulgated a revised 1-hour SO_2 NAAQS of 75 parts per billion (ppb) (75 FR 35520). On September 12, 2016 the partial St. Clair County area was designated as nonattainment (St. Clair nonattainment area) for the 2010 1-hour SO_2 NAAQS. The St. Clair nonattainment area is defined by the St. Clair River for the eastern boundary, an extension from the St. Clair River directly west to the intersection of State Highway M–29 and St. Clair River Drive, continuing west on State Highway M–29 to Church Road to Arnold Road to County Line Road for the southern boundary, County Line Road and the Macomb/St. Clair County boundary to Stoddard Road to Wales Ridge Road for the western boundary, and Alpine Road to Fitz Road to Smith Creek Road to Range Road to Huron Avenue, extending directly east from the intersection of Huron Road and River Road to the St. Clair River for the northern boundary (83 FR 1098, January 9, 2018).

CAA section 172(c)(3), 42 U.S.C. 7502(c)(3), requires states to develop and submit, as SIP revisions, emission inventories for all areas designated as nonattainment for any NAAQS. An emission inventory for SO_2 is an estimation of actual emissions of sulfur oxides (SO_X) in an area. SO_2 is the component of greatest concern and is used as the indicator for the larger group of gaseous SO_X. SO_2 is a gas that is formed by the burning of fossil fuels by

power plants and other industrial facilities such as extracting metal from ore; natural sources such as volcanoes; and locomotives, ships and other vehicles and heavy equipment that burn fuel with a high sulfur content. Control measures that reduce SO_2 can generally be expected to reduce people's exposures to all gaseous SO_X. Therefore, an emission inventory for SO_X focuses on the emissions of SO_2.

Emission inventories provide emissions data for a variety of air quality planning tasks, including establishing baseline emission levels (anthropogenic [manmade] emissions associated with SO_2 standard violations), calculating emission reduction targets needed to attain the NAAQS, determining emission inputs for SO_2 air quality modeling analyses, and tracking emissions over time to determine progress toward achieving air quality and emission reduction goals.

As stated above, the CAA requires the states to submit emission inventories for areas designated as nonattainment for SO_2. For the 2010 1-hour SO_2 NAAQS, EPA specifies that states submit SO_2 emission estimates for an inventory calendar year preceding the year of the area's effective date of designation as a nonattainment area (75 FR 35520). States are required to submit estimates of SO_2 emissions for four general classes of anthropogenic sources: stationary point sources; area sources; on-road mobile sources; and off-road mobile sources.

II. EGLE's Emissions Inventory

On June 30, 2021, EGLE submitted a SIP revision addressing the emissions inventory requirement of CAA section 172(c)(3). EGLE also clarified that Michigan has a fully approved Nonattainment New Source Review (NSR) program, which is set forth in Part 19 of Michigan's rules (R 336.2901 through R 336.2908). EPA confirms that this NSR program was approved by the EPA into the SIP on December 16, 2013 (78 FR 76064). EGLE provided documentation for the 2014 SO_2 base year emissions inventory for the St. Clair County nonattainment area. EGLE selected 2014 because this was one of the three years of SO_2 data indicating a violation of the SO_2 standard that were used to designate the areas as nonattainment for the 2010 SO_2 NAAQS (83 FR 1098). In addition, the 2014 emissions inventory was the most recent comprehensive, accurate, and quality assured (QA) triennial emissions inventory in the National Emissions Inventory (NEI) database, available at the time the state began preparing the emissions inventory submittal for the partial St. Clair County area. Table 1 summarizes the 2014 SO_2 emissions for the partial St. Clair County area in tons of emissions per year.

TABLE 1—2014 SO_2 EMISSIONS

County/NAA	2014 SO_2 Emissions (tons/year)					
	EGU [1]	Non–EGU point	Area	Non-road	On-road	Total SO_2
Partial St. Clair	51,920	1,632	74.4	0.59	12.2	53,639.19

[1] Electric Generating Units (EGU).

A. Base Year Inventory

EGLE estimated SO_2 emissions for all source categories in the St. Clair County SO_2 nonattainment area. Emissions for the St. Clair County SO_2 nonattainment area were totaled by source category.

a. Point Sources

To develop the SO_2 point source emissions inventory, EGLE used the annual emissions data contained in EPA's Clean Air Markets Division database for emissions from EGU point sources and annual emissions data reported by facility operators to EGLE's air emissions inventory database for non-EGU point sources.

b. Area Sources

To develop the SO_2 area source emissions inventories, EGLE used the annual emissions data contained in EPA's 2014 NEI to estimate 2014 emissions.

c. On-Road and Non-Road Sources

To develop the SO_2 non-road and on-road source emissions inventories, EGLE used the annual emissions data contained in EPA's 2014 NEI to estimate 2014 emissions.

III. EPA's Evaluation

A. Emissions Inventory

EPA has reviewed EGLE's June 30, 2021, requested SIP revision for consistency with section 172(c)(3) CAA and with EPA's emission inventory requirements. In particular, EPA has reviewed the techniques used by EGLE to quantify and quality assure the emission estimates. EPA has also considered whether EGLE has provided the public with the opportunity to review and comment on the development of the emission estimates, and whether the State has addressed all public comments. EGLE received no comments during the comment period but did receive a comment from EPA Region 5. The comment asked that the emission inventory include the 2014 NEI emissions for 3 other categories of sources: on-road, non-road, and area. EGLE addressed this comment by adding on-road, non-road, and area SO_2 emissions estimates for the St. Clair County nonattainment area to their emissions inventory submittal. EGLE documented the procedures used to estimate the emissions for each of the major source types. Our review finds that EGLE followed acceptable procedures to estimate the emissions.

Accordingly, we propose to conclude that EGLE has developed an inventory of SO_2 sources that is comprehensive and complete. EGLE's submittal of a complete emission inventory and certification of an approved NSR program in addition to a Clean Data Determination, proposed in a separate action on August 17, 2021 (86 FR 45947), addresses deficiencies identified in the September 20, 2019 (84 FR 49463) finding of failure to submit a nonattainment plan for the St. Clair area, and will stop the sanctions clocks applicable to those deficiencies.

IV. EPA Action

EPA is proposing to approve EGLE's SIP revision submitted to address the SO_2-related emission inventory and NSR certification requirements for the partial St. Clair County SO_2 nonattainment area for the 2010 SO_2 NAAQS. The emission inventory we are approving into the SIP is specified in Table 1. We are also proposing to approve the emission inventory because it contains comprehensive, accurate, and current inventories of actual emissions for all relevant sources in

accordance with CAA section 172(c)(3), and because EGLE adopted the emission inventories after providing for reasonable public notice. EPA also proposes to approve the certification of Michigan's fully approved NSR program, which was approved by the EPA into the SIP on December 16, 2013 (78 FR 76064) and meets the requirements of CAA section 172(c)(5).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, sulfur oxides.

Dated: October 19, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–23116 Filed 10–25–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R07–OAR–2021–0667; FRL–9105–01–R7]

Air Plan Approval; Missouri Redesignation Request and Associated Maintenance Plan for the Jackson County 2010 SO_2 1-Hour NAAQS Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On February 18, 2021, the State of Missouri submitted a request for the Environmental Protection Agency (EPA) to redesignate the Jackson County, Missouri, 2010 1-hour sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS) nonattainment area to attainment and approve a State Implementation Plan (SIP) revision containing a maintenance plan for the area. The State provided a supplement to the maintenance plan on September 7, 2021. In response to these submittals, the EPA is proposing to take the following actions: Approve the State's plan for maintaining attainment of the 2010 1-hour SO_2 primary standard in the area; and approve the State's request to redesignate the Jackson County SO_2 nonattainment area to attainment for the 2010 1-hour SO_2 primary standard. This redesignation action, if finalized, will address the EPA's obligation under a consent decree which establishes a deadline of March 31, 2022 for the EPA to determine under Clean Air Act (CAA) section 179(c) whether the Jackson County SO_2 nonattainment area attained the NAAQS by the October 4, 2018 attainment date.

DATES: Comments must be received on or before November 26, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2021–0667 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Wendy Vit, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7697 or by email at *vit.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2021–0667, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or

other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The February 18, 2021 SIP submittal included a redesignation request and a maintenance plan, consisting of a maintenance demonstration based on air dispersion modeling, an attainment emissions inventory, contingency plan and other required elements. The State provided public notice on the February 18, 2021 SIP submittal from November 2, 2020 to December 10, 2020 and held a public hearing on December 3, 2020. The State received and addressed three comments from one source (the EPA). The State revised the maintenance plan based on public comment prior to submitting to the EPA.

On September 7, 2021, Missouri submitted a supplement to the maintenance plan consisting of a Consent Agreement between Missouri and Vicinity Energy—Kansas City (Vicinity, formerly Veolia-Kansas City) and an updated air dispersion modeling demonstration to support the redesignation. Missouri held a public hearing for this maintenance plan supplement on July 29, 2021 and made the supplement available for public review and comment from June 28, 2021 through August 5, 2021. Missouri did not receive any public comments.

In addition, as explained in later sections (and in more detail in the technical support document (TSD) which is included in the docket for this action), the maintenance plan meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

III. What is the background for the EPA's proposed actions?

On June 22, 2010, the EPA revised the primary SO_2 NAAQS, establishing a new 1-hour standard of 75 parts per billion (ppb).[1] Under the EPA's regulations at 40 CFR part 50, the 2010 1-hour SO_2 NAAQS is met at a monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations is less than or equal to 75 ppb (based on the rounding convention in 40 CFR part 50, appendix T).[2] Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. A year meets data completeness requirements when all four quarters are complete, and a quarter is complete when at least 75 percent of the sampling days for each quarter have complete data. A sampling day has complete data if 75 percent of the hourly concentration values, including State-flagged data affected by exceptional events which have been approved for exclusion by the Administrator, are reported.[3]

Upon promulgation of a new or revised NAAQS, the CAA requires the EPA to designate as nonattainment any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS.[4] On August 5, 2013, the EPA designated a portion of Jackson County, Missouri, as nonattainment in Round 1 of the designations for the 2010 1-hour primary SO_2 NAAQS, effective October 4, 2013.[5] The designation was based on 2009–2011 monitoring data from the Troost monitor in Kansas City, Missouri, showing violations of the standard (see section V of this document for additional monitoring information). This action established an attainment date five years after the effective date of designation for the Round 1 nonattainment areas for the 2010 SO_2 NAAQS (*i.e.,* by October 4, 2018). The State was also required to submit a SIP for the Jackson County SO_2 nonattainment area to the EPA that meets the requirements of CAA sections 110, 172(c) and 191–192 within 18 months following the October 4, 2013, effective date of designation (*i.e.,* by April 4, 2015).

The State of Missouri submitted the ''Nonattainment Area Plan for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard—Jackson County Sulfur Dioxide Nonattainment Area'' on October 16, 2015, and subsequently withdrew the plan on June 11, 2018, except for the baseline emissions inventory.

On May 4, 2018, the State submitted a request for the EPA to determine that the Jackson County SO_2 nonattainment area attained the 2010 1-hour primary SO_2 NAAQS per the EPA's Clean Data Policy. The clean data policy represents the EPA's interpretation that certain planning-related requirements of part D of the Act, such as the attainment demonstration, reasonably available control measures (RACM), and reasonable further progress (RFP), are suspended for areas that are in fact attaining the NAAQS. A determination of attainment, or clean data determination, does not constitute a formal redesignation to attainment. If the EPA subsequently determines that an area is no longer attaining the standard, those requirements that were suspended by the clean data determination are once again due.

On April 15, 2020, the EPA published a notice of proposed rulemaking to approve the State's request for a clean data determination.[6] The proposal was based on 2016–2018 monitoring data—the Troost monitor design value (dv) was 11 parts per billion (ppb)—and modeling data (2016–2018 actual emissions). After considering public comments received, the EPA published a Notice of Final Rulemaking (NFRM) approving the State's request for a clean data determination in the **Federal Register** on July 9, 2020.[7]

On February 18, 2021, the State submitted a request for redesignation of the Jackson County SO_2 nonattainment area to attainment and a SIP revision containing a 10-year maintenance plan for the area. On September 7, 2021, the State submitted a supplement to the maintenance plan, including a Consent Agreement with Vicinity and an updated modeling demonstration to reflect the new fuel restrictions. This proposal document discusses the EPA's review of the redesignation request, the maintenance plan, and the supplemental information and provides support for the EPA's proposed approval of the maintenance plan and request to redesignate the area to attainment. Additional analysis of the redesignation request, maintenance plan, consent agreement, and supplemental modeling information is provided in a Technical Support Document (TSD) included in the docket to this proposed rulemaking.[8]

[1] *See* 75 FR 35520 (June 22, 2010).

[2] *See* 40 CFR 50.17.

[3] 40 CFR part 50, appendix T, section 3(b).

[4] CAA section 107(d)(1)(A)(i).

[5] 78 FR 47191 (August 5, 2013), codified at 40 CFR 81.326.

[6] See 85 FR 20896.

[7] See 85 FR 41193.

[8] The TSD discusses the EPA's review of some of the CAA section 107(d)(3)(E) redesignation criteria: 107(d)(3)(E)(i) a determination of attainment;107(d)(3)(E)(iii) a determination that the improvement in air quality is due to permanent and enforceable reductions in emissions; and 107(d)(3)(E)(iv) a fully approved maintenance plan per CAA section 175A. The discussion also covers some of the submitted maintenance plan's elements: (1) Attainment inventory; (2) maintenance demonstration; and (3) continued monitoring. The EPA's review of the remaining redesignation and maintenance plan criteria are

This redesignation action, if finalized, will address EPA's obligation under a consent decree in *Center for Biological Diversity, et al.* v. *Regan,* which establishes a deadline of March 31, 2022 for the EPA to determine under CAA section 179(c) whether the Jackson County SO_2 nonattainment area attained the NAAQS by the October 4, 2018 attainment date.[9] Under the terms of the consent decree, final redesignation of the area to attainment before March 31, 2022, would automatically terminate the EPA's obligation to make this determination under CAA section 179(c).

IV. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation of a nonattainment area provided that: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

V. What is the EPA's analysis of the request?

The EPA's evaluation of Missouri's redesignation request and maintenance plan is based on consideration of the five redesignation criteria provided under CAA section 107(d)(3)(E) and relevant guidance. On April 16, 1992, the EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990, and the EPA supplemented this guidance on April 28, 1992.[10] [11] The EPA has provided further guidance on processing redesignation requests in several guidance documents. For the purposes of this action, the EPA will be referencing two of these documents: (1) The September 4, 1992 memo ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni Memo); and (2) the EPA's April 23, 2014 memorandum ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (2014 SO_2 Guidance).[12]

Criterion (1)—The Jackson County SO_2 Nonattainment Area Has Attained the 2010 1-Hour SO_2 NAAQS

For redesignating a nonattainment area to attainment, the CAA requires the EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). The EPA determined that the area attained the 2010 1-hour SO_2 NAAQS in its July 2020 NFRM approving the State's request for a clean data determination meeting the requirements of CAA section 107(d)(3)(E)(i). That determination was primarily based on monitoring data and a modeling analysis of recent actual emissions for sources in and around the nonattainment area. As described further in the TSD for this action, the February 2021 maintenance plan, as well as the September 2021 supplemental maintenance plan information, are based on modeling demonstrations of permanent and enforceable emissions for sources in the nonattainment area that demonstrate the area is attaining the standard. Therefore, the EPA's 2020 determination that the area had achieved clean data is consistent with the proposed action to redesignate the area.

For this proposal, the EPA reviewed quality assured monitoring data recorded in the EPA's Air Quality System (AQS) from the Troost monitoring station. The 3-year, 2018–2020 design value for the Troost monitor is 7 ppb, which continues to meet the 2010 1-hour SO_2 NAAQS, as shown in Table 1. If the 3-year design value violates the NAAQS prior to the EPA acting in response to the State's request, the EPA will not take final action to approve the redesignation request.[13] As discussed in more detail later in this section, Missouri has committed to continue monitoring in this area in accordance with 40 CFR part 58.

TABLE 1—2015–2020 TROOST STREET MONITOR DATA (PARTS PER BILLION (ppb)); 99TH PERCENTILE (99TH %) AND 3-YEAR DESIGN VALUE (dv)

Site	2015 99th %	2016 99th %	2017 99th %	2018 99th %	2019 99th %	2020 99th %	2015–2017 dv	2016–2018 dv	2017–2019 dv	2018–2020 dv
Troost	142	9.4	18.4	6.1	6.5	7.1	57	11	10	7

Criterion (2)—Missouri Has a Fully Approved SIP Under Section 110(k); and Criterion (5)—Missouri Has Met All Applicable Requirements Under Section 110 and Part D of Title I of the CAA

For redesignating a nonattainment area to attainment under a NAAQS, the CAA requires the EPA to determine that the State has met all applicable requirements for that NAAQS under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the State has a fully approved SIP under section 110(k) for that NAAQS for the area (CAA section 107(d)(3)(E)(ii)). The EPA proposes to find that Missouri has met all applicable SIP requirements for purposes of redesignation for the Jackson County SO_2 nonattainment area under section 110 of the CAA (general SIP requirements). Additionally, the EPA proposes to find that the Missouri SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA in accordance with section 107(d)(3)(E)(v). Further, the EPA proposes to determine that the SIP is fully approved with respect to all requirements applicable for the 2010 1-hour SO_2 NAAQS for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In proposing to make these determinations, the EPA ascertained which requirements are applicable to the Jackson County SO_2 nonattainment area and, if applicable,

sufficiently addressed in the preamble language to this proposed rule.

[9] *Center for Biological Diversity, et al.* v. *Regan,* No. 3:20–cv–05436–EMC (N.D. Cal. June 25, 2021).

[10] See 57 FR 13498.

[11] See 57 FR 18070.

[12] *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[13] See 2014 SO_2 Guidance, at page 56.

that they are fully approved under section 110(k).

a. The Jackson County SO_2 Nonattainment Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

General SIP requirements. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the State after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (New Source Review (NSR) permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emissions control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a State from significantly contributing to air quality problems in another State. To implement this provision, the EPA has required certain States to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a State are not linked with a nonattainment area's designation and classification in that State. The EPA has determined that the requirements linked with a nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a State regardless of the designation of any one area in the State. Thus, the EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, the EPA has determined that other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 and part D requirements which are linked with an area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with the EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements.[14]

Title I, part D, applicable SIP requirements. Section 172(c) of the CAA sets forth the basic requirements of attainment plans for nonattainment areas that are required to submit them pursuant to section 172(b). Subpart 5 of part D, which includes section 191 and 192 of the CAA, establishes requirements for SO_2, nitrogen dioxide and lead nonattainment areas. A thorough discussion of the requirements contained in section 172(c) can be found in the General Preamble for Implementation of Title I.[15]

Section 172 and subpart 5 requirements. Section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all RACM as expeditiously as practicable and to provide for attainment of the NAAQS. The EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in each area as components of the area's attainment demonstration. Under section 172, States with nonattainment areas must submit plans providing for timely attainment and meeting a variety of other requirements.

The EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and (v) and therefore need not be approved into the SIP before the EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, the EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard.[16] The EPA noted that the requirements for RFP and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard.[17] This interpretation was also set forth in the Calcagni Memo. The EPA's interpretation of section 172 also forms the basis of its Clean Data Policy, which was articulated with regard to the 2010 1-hour SO_2 NAAQS in the EPA's 2014 SO_2 Guidance, and suspends a State's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under section 172(c)(9). Courts have upheld the EPA's interpretation of section 172(c)(1) for ''reasonably available'' control measures and control technology as meaning only those controls that advance attainment, which precludes the need to require additional measures where an area is already attaining.[18]

Therefore, because the Jackson County SO_2 nonattainment area is currently attaining the 2010 1-hour SO_2 NAAQS, no additional measures are needed to provide for attainment, and section 172(c)(1) requirements for an attainment demonstration and RACM are not part of the ''applicable implementation plan'' required to have been approved prior to redesignation per CAA section 107(d)(3)(E)(ii) and (v). The other section 172 requirements that are designed to help an area achieve attainment—the section 172(c)(2) requirement that nonattainment plans contain provisions promoting reasonable further progress, the requirement to submit the section 172(c)(9) contingency measures, and the section 172(c)(6) requirement for the SIP to contain control measures necessary to provide for attainment of the NAAQS—are also not required to be approved as part of the ''applicable implementation plan'' for purposes of satisfying CAA section 107(d)(3)(E)(ii) and (v).

Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. The requirement for an emissions inventory can be satisfied by meeting the inventory requirements of the maintenance plan.[19] However, when the State withdrew its attainment plan for the area in June 2018, it did not withdraw the baseline emissions inventory submitted with that plan. On November 23, 2018, the EPA published a notice of proposed rulemaking in the

[14] *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 2008); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7,1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001).

[15] See 57 FR 13498.

[16] *See* 57 FR 13498, 13564.

[17] *Id.*

[18] *NRDC* v. *EPA,* 571 F.3d 1245, 1252 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735, 744 (5th Cir. 2002); *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004). But see *Sierra Club* v. *EPA,* 793 F.3d 656 (6th Cir. 2015).

[19] Calcagni Memo at 6.

Federal Register proposing to approve that the State met the section 172(c)(3) requirement to submit an emissions inventory for the Jackson County SO_2 nonattainment area.[20] On February 13, 2019, the EPA published a final rulemaking in the **Federal Register** approving the State's emissions inventory for the Jackson County SO_2 nonattainment area.[21]

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources to be allowed in an area, and section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. The State has an approved nonattainment NSR program.[22] Regardless, the State has demonstrated that the Jackson County SO_2 nonattainment area will be able to maintain the NAAQS as its Prevention of Significant Deterioration (PSD) program will remain in effect upon redesignation to attainment.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, the EPA proposes to find that the Missouri SIP meets the requirements of section 110(a)(2) applicable for purposes of redesignation.

Section 176 conformity requirements. Section 176(c) of the CAA requires States to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with federal conformity regulations relating to consultation, enforcement, and enforceability that the EPA promulgated pursuant to its authority under the CAA.

Missouri has an approved general conformity SIP.[23] Moreover, the EPA interprets the conformity SIP requirements as not applying for purposes of evaluating a redesignation request under section 107(d) because, like other requirements listed above, State conformity rules are still required after redesignation and federal conformity rules apply where State rules have not been approved.[24]

As noted in the 2014 SO_2 Guidance, transportation conformity is required under CAA section 176(c) to ensure that federally supported highway and transit project activities are consistent with (''conform to'') the purpose of the SIP. Transportation conformity applies to areas that are designated nonattainment, and those areas redesignated to attainment (''maintenance areas'' with plans developed under CAA section l75A) for transportation-related criteria pollutants. Due to the relatively small, and decreasing, amounts of sulfur in gasoline and on-road diesel fuel, the EPA's conformity rules provide that they do not apply to SO_2 unless either the EPA Regional Administrator or the director of the State air agency has found that transportation-related emissions of SO_2 as a precursor are a significant contributor to a $PM_{2.5}$ nonattainment problem, or if the SIP has established an approved or adequate budget for such emissions as part of the RFP, attainment or maintenance strategy.[25] Neither the EPA nor Missouri has made such a finding for transportation related emissions of SO_2 for the Jackson County SO_2 nonattainment area.

For these reasons, the EPA proposes to find that Missouri has satisfied all applicable requirements for purposes of redesignation of the Jackson County SO_2 nonattainment area under section 110 and part D of title I of the CAA.

b. The Jackson County SO_2 Nonattainment Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

The EPA has fully approved the applicable Missouri SIP for the Jackson County SO_2 nonattainment area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. As indicated above, the EPA has determined that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to an area's attainment status are not applicable requirements for purposes of redesignation. The EPA has approved all part D requirements applicable under the 2010 SO_2 NAAQS, as identified above, for purposes of this redesignation.

Criterion (3)—The Air Quality Improvement in the Jackson County SO_2 Nonattainment Area Is Due to Permanent and Enforceable Reductions in Emissions

For redesignating a nonattainment area to attainment, the CAA requires the EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable federal air pollution control regulations, and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). The EPA proposes to find that Missouri has demonstrated that the observed air quality improvement in the Jackson County SO_2 nonattainment area is due to permanent and enforceable reductions in emissions.

Specifically, the EPA considers the fuel switch at Vicinity from the combustion of coal to natural gas to be permanent and enforceable. In 2016, Missouri issued a construction permit to Vicinity (formerly Veolia) that included a condition to exclusively burn natural gas in boilers 1A, 6, and 8. In addition, Vicinity's Title V operating permit contains a condition that limits boiler 7 to combusting natural gas only. Missouri could have submitted these permits to the EPA for inclusion in the SIP to make these federally enforceable conditions permanent, but Missouri has elected to enter into a Consent Agreement with Vicinity and submit that Consent Agreement for approval into the SIP as Appendix 1 of the September 2021 supplement to the maintenance plan. This will also make the Consent Agreement federally enforceable. The Consent Agreement prohibits Vicinity from combusting coal in boilers 1A, 6, 7 and 8. It also allows Vicinity to utilize natural gas, ultra-low sulfur diesel (ULSD) containing no more than 15 parts per million (ppm) sulfur by volume, biofuel containing no more than 15 ppm sulfur by volume, or a blend of biofuel and ULSD containing no more than 15 ppm sulfur by volume, as long as the facility obtains any necessary air permits in the future. While the Consent Agreement may be terminated under state law by mutual agreement by both parties at the current time, this action, once finalized, would approve that Agreement into the SIP. At that point the requirements of the Consent Agreement would be permanent and federally enforceable and would remain applicable until Missouri submits a SIP revision and the EPA approves that revision. That revision would be subject to CAA

[20] See 83 FR 59348.

[21] See 84 FR 3703.

[22] See 81 FR 70025 (October 11, 2016).

[23] See 78 FR 57267 (September 18, 2013).

[24] *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida).

[25] See 40 CFR 93.102(b)(1), (2)(v).

section 110(l), *i.e.,* the state must demonstrate that the revision would not interfere with the attainment or maintenance of any NAAQS.

Vicinity transitioned to natural gas beginning in 2016 and ceased burning coal completely in 2017, which significantly reduced its SO_2 emissions and impacts on the Troost monitor. The Troost monitor came into compliance with the 2010 1-hour SO_2 standard during 2015–2017 following Vicinity's cessation of coal burning, and the monitor has remained in compliance since that time. Given the well-established correlation of much lower SO_2 emissions and SO_2 concentrations at the Troost monitor after Vicinity ceased burning coal, the EPA anticipates that the 2010 1-hour SO_2 NAAQS will continue to be attained. See Table 1 for recent monitoring data trends at this monitor.

The State's initial modeling demonstration in the February 2021 maintenance plan assumed that Vicinity burns natural gas in boilers 1A, 6 and 8 and fuel oil with a sulfur content of 100 ppm in boiler 7. Boiler 7 was not modeled as running on natural gas because the natural gas requirement for Boiler 7 is only found in Vicinity's operating permit, which would not be considered permanent since Title V permits are only effective for five years and therefore must be renewed every five years. In the September 2021 maintenance plan supplement, the State updated the modeling demonstration based on the provision of the Consent Agreement allowing Vicinity to burn ULSD with a sulfur content of 15 ppm in all four of its boilers. Both the initial maintenance plan modeling demonstration and the updated modeling demonstration submitted with the maintenance plan supplement show compliance with the 2010 SO_2 standard throughout the entire Jackson County nonattainment area.

In addition to the Vicinity facility, the State explicitly modeled all permitted emission sources inside the nonattainment area based on assuming continuous operation at their maximum permitted emission levels for the five-year period from 2014–2018. These are the same sources located in the nonattainment area that were included in the clean data determination modeling analysis for the Jackson County SO_2 nonattainment area. The State also explicitly modeled two sources located outside the nonattainment area: The Evergy-Hawthorn power plant (Hawthorn) and the Ingredion facility, which produces modified corn starches and other food ingredients. Hawthorn was modeled as a nearby source per the EPA guidelines listed in Table 8.1 of 40 CFR part 51, appendix W, which states that nearby sources should be modeled based on their allowable emission rate, with adjustments to reflect actual operational levels. Ingredion was modeled at its maximum allowable emission rate, which is the same method used for all permitted sources located inside the nonattainment area. The only difference between the initial modeling demonstration submitted with the February 2021 maintenance plan and the September 2021 updated modeling demonstration is the derivation of Vicinity's emission rates as described above.

The EPA is proposing to find that the modeling results demonstrate attainment and continued maintenance of the NAAQS and that the air quality improvement in the Jackson County SO_2 nonattainment area is due to permanent and enforceable reductions in emissions. Please see the TSD for details of the modeling inputs and additional discussion of the air quality modeling. The input files used in the modeling demonstration are available by request from the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Criterion (4)—The Jackson County SO_2 Nonattainment Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A of the CAA

To redesignate a nonattainment area to attainment, the CAA requires the EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Jackson County SO_2 nonattainment area to attainment for the 2010 1-hour SO_2 NAAQS, the State submitted a SIP revision to provide for the maintenance of the 2010 1-hour SO_2 NAAQS for at least 10 years after the effective date of redesignation to attainment. The EPA is proposing to find that this maintenance plan for the area meets the requirements for approval under section 175A of the CAA.

a. What is required in a maintenance plan?

CAA section 175A sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation request to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures as the EPA deems necessary to assure prompt correction of any future 2010 1-hour SO_2 violations. The Calcagni Memo provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed more fully later in this section, the EPA is proposing to determine that Missouri's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Missouri SIP.

b. Attainment Emissions Inventory

As part of a State's maintenance plan, the air agency should develop an attainment inventory to identify the level of emissions in the affected area which is enough to attain and maintain the SO_2 NAAQS.[26] The EPA is proposing to approve that Missouri has met this requirement through modeling of permanent and enforceable emission limits that will result in continued attainment and maintenance of the NAAQS. Missouri also provided emissions inventories as part of the maintenance plan. Specifically, Missouri selected 2017 as the attainment emissions inventory year for developing an emissions inventory for SO_2 in the nonattainment area through the 10-year maintenance period. Please see the TSD included in the docket for this action for details of the base year and attainment year emissions inventories and the EPA's review of these inventories. The TSD also details the EPA's review of the modeling demonstration provided by Missouri which forms the basis for the EPA's approval of this maintenance plan requirement.

c. Maintenance Demonstration

The Calcagni memo describes two ways for a State to demonstrate maintenance of the NAAQS for a period of at least 10 years following the redesignation of the area: (1) The State can show that future emissions of a pollutant will not exceed the level of the attainment inventory, or (2) the State

[26] See 2014 SO_2 Guidance, at page 66.

can model to show that the future mix of sources and emission rates will not cause a violation of the standard. The memo goes on to say that areas that are required to model to demonstrate attainment of the standard should complete the same level of modeling to demonstrate that the permanent and enforceable emissions are enough to maintain the standard. The State performed several modeling iterations to demonstrate that the standard will be maintained. In its February 2021, and September 2021, supplemental modeling, Missouri has demonstrated maintenance by modeling all sources inside of the nonattainment area at their permanent, enforceable, allowable emission rates; nearby sources at their permanent, enforceable, allowable emission rates (with actual operating conditions for 2014–2018 for the Hawthorn power plant); and other sources addressed through the use of a background concentration. The EPA proposes that the supplemental modeling provided by Missouri demonstrates the standard will be attained and maintained for at least 10 years following redesignation of the area, consistent with the second method outlined in the Calcagni memo by which a State may demonstrate maintenance of the NAAQS. Please see the TSD for details of the modeling inputs, results and the EPA's review of them. The EPA is proposing to approve Missouri's maintenance plan including the supplemental modeling as meeting the maintenance demonstration requirement.

d. Monitoring Network

Missouri has committed to continue operating the ''appropriate SO_2 network in the Jackson County nonattainment area'' in accordance with the requirements of 40 CFR part 58, and approved annual monitoring network plans, to verify the attainment status of the area. The State committed to quality assure the data in accordance with 40 CFR part 58 and submit the data to the EPA's air quality system (AQS). The maintenance plan, consistent with the State's 2020 annual ambient monitoring network plan, indicate that the Troost monitor is the only State and Local Air Monitoring Station (SLAMS) or SLAMS-like monitor operational in the nonattainment area.[27]

e. Verification of Continued Attainment

Each air agency should ensure that it has the legal authority to implement and enforce all measures necessary to attain and maintain the 2010 SO_2 NAAQS. The air agency's submittal should indicate how it will track the progress of the maintenance plan for the area either through air quality monitoring or modeling.[28]

Missouri has the legal authority to enforce and implement the maintenance plan for the Jackson County 2010 SO_2 nonattainment area. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future SO_2 attainment problems.[29] As noted, the State will track the progress of the maintenance plan by continuing to operate the Troost monitor. Additionally, the State committed to provide future inventory updates to track emissions during the 10-year maintenance period. State Regulation 10 CSR 10–6.110, *Reporting Emission Data, Emission Fees, and Process Information,* (which is SIP approved) requires that all installations with a construction or operating permit report its annual emissions to the State. The methods for calculating and reporting emissions are detailed in each installation's applicable permit. The data collected on emissions inventory questionnaires from permitted sources form the basis of the point source emissions inventory that is compiled annually.[30] In addition, in compliance with the EPA's Air Emissions Reporting Requirements [80 FR 8787], Missouri develops a comprehensive emissions inventory of point, area, and mobile sources every 3 years. This triennial inventory compiled by the State is contained in the EPA's national emissions inventory (NEI) which is made publicly available every 3 years. For these reasons, the EPA is proposing to find that Missouri's maintenance plan meets the ''Verification of Continued Attainment'' requirement.

f. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as the EPA deems necessary to assure that the State will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the State. A State should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must also include a requirement that a State will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

The contingency plan includes a triggering mechanism to determine when contingency measures are needed and a process of developing and implementing appropriate control measures. The triggering mechanisms contained in the maintenance plan are based on monitoring data from the Troost monitor. The EPA proposes to find it appropriate to rely on monitoring data to trigger the contingency plan because the Troost monitor is being relied upon to demonstrate continued maintenance in the area as discussed in the Monitoring Network section of this document.

The State listed two types of triggers of its contingency plan. The first, a ''warning level response,'' will be triggered by a 99th percentile of daily maximum 1-hour average SO_2 concentrations greater than 90 ppb in a single calendar year in the Jackson County maintenance area. The second, an ''action level response,'' will be triggered if a violation of the NAAQS is recorded in the Jackson County maintenance area, specifically if the 3-year average of annual 99th percentile daily maximum 1-hour concentrations is 76 ppb or higher.

If the warning level response is triggered, a study must be completed to determine whether the monitored SO_2 value indicates a trend toward higher concentrations in the Jackson County maintenance area. Specifically, the study will evaluate whether emissions appear to be increasing and whether control measures are needed to reverse the trend. The study shall be completed as expeditiously as possible, but no later than 12 months after the State has determined that a warning level response has been triggered. Any necessary control measures would be implemented within 24 months of the submission of certified monitoring data triggering the warning level response.

If the action level response is triggered and is not due to an exceptional event as defined at 40 CFR 50.1(j), measures to address the violation shall be implemented as expeditiously as possible, but no later than 24 months after quality-assured

[27] See Missouri's 2020 Ambient Monitoring Network Plan contained in the docket for this action.

[28] See 2014 SO_2 Guidance at pages 67–68.

[29] The EPA last determined that Missouri's SIP was sufficient to meet the requirements of section 110(a)(2)(E)(i) of the CAA on March 22, 2018 (83 FR 12496).

[30] This information is available to the EPA or members of the public upon request from the State of Missouri.

ambient data has been entered into the AQS database indicating that this trigger has occurred. If the exceedance is not due to an exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, the State will conduct a study to determine additional control measures needed to return the area to attainment of the 2010 SO_2 standard. The study will be completed within six months following the action-level trigger. The study would identify local sources causing the elevated SO_2 concentrations and address the issue through potential contingency measures including new SO_2 emission control requirements, fuel-switching requirements, stack reconfigurations, or new operating limits imposed through permit conditions, consent agreements or rules. Another contingency measure option is the implementation of partial or full nonattainment NSR permitting for new or modified major sources of SO_2 in the Jackson County SO_2 nonattainment area. The State would implement the selected contingency measures as expeditiously as practicable, but not later than 24 months after an action-level trigger has occurred.

The EPA is proposing to find that Missouri's maintenance plan meets the ''Contingency Measures'' requirement.

The EPA proposes to conclude that the maintenance plan adequately addresses the five basic components of a maintenance plan: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, the EPA proposes to find that the maintenance plan SIP revision submitted by Missouri for the Jackson County 2010 SO_2 nonattainment area meets the requirements of section 175A of the CAA and proposes to approve the plan.

VI. What are the actions the EPA is proposing to take?

The EPA is proposing to approve the maintenance plan for the Jackson County 2010 SO_2 1-hour NAAQS nonattainment area into the Missouri SIP (as compliant with CAA section 175A). The maintenance plan demonstrates that the area will continue to maintain the 2010 1-hour SO_2 NAAQS and includes a process to select identified potential contingency measures to remedy any future violations of the 2010 1-hour SO_2 NAAQS and procedures for evaluation of potential violations.

Additionally, the EPA is proposing to determine that the Jackson County 2010 SO_2 1-hour NAAQS nonattainment area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 2010 1-hour SO_2 NAAQS. On this basis, the EPA is proposing to approve Missouri's redesignation request for the area. Final approval of Missouri's redesignation request would change the legal designation of the portion of Jackson County designated nonattainment at 40 CFR part 81 to attainment for the 2010 1-hour SO_2 NAAQS.

VII. Environmental Justice Concerns

When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either nonattainment, attainment, or unclassifiable. Area designations address environmental justice concerns by ensuring that the public is properly informed about the air quality in an area. If an area is designated nonattainment of the NAAQS, the CAA provides for the EPA to redesignate the area to attainment upon a demonstration by the state authority that air quality is attaining the NAAQS and will continue to maintain the NAAQS in order to ensure that all those residing, working, attending school, or otherwise present in those areas are protected, regardless of minority and economic status. This action addresses a redesignation determination for the Jackson County, Missouri area. Under CAA section 107(d)(3), the redesignation of an area to attainment/unclassifiable is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those imposed by state law. As discussed in this document and the associated technical support document, Missouri has demonstrated that the air quality in the Jackson County area is attaining the NAAQS and will continue to maintain the NAAQS. Therefore, this proposed action does not result in disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples.

VIII. Incorporation by Reference

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

IX. Statutory and Executive Order Reviews

Under the Clean Air Act (CAA), redesignation of an area to attainment and the accompanying approval of a maintenance plan are actions that affect the status of a geographical area and do not impose additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, if they meet the criteria of the CAA. Accordingly, these actions merely approve State law as meeting Federal requirements and do not impose additional requirements beyond those imposed by State law. For these reasons, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and

• This action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The basis for this determination is contained in Section VII of this action, ''Environmental Justice Concerns.''

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Maintenance plan, Redesignation, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, Designations, Intergovernmental relations, Redesignation, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: October 12, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR parts 52 and 81 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320:

■ a. The table in paragraph (d), as proposed to be amended at 86 FR 34177, June 29, 2021, is further amended by adding the entry ''(35)'' in numerical order.

■ b. The table in paragraph (e) is amended by adding the entry ''(81)'' in numerical order.

The additions read as follows:

§ 52.1320 Identification of plan.

* * * * *

(d) * * *

EPA-Approved Missouri Source-Specific Permits and Orders

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
* *	* *	* *	* *	*
(35) Vicinity Energy-Kansas City	Consent Agreement No. APCP–2021–007.	6/25/2021	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	

(e) * * *

EPA-Approved Missouri Nonregulatory SIP Provisions

Name of nonregulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	*	*	*	* *
(81) Jackson County 1-hour SO_2 NAAQS Maintenance Plan and Maintenance Plan Supplement.	Jackson County	2/18/2021; 9/7/2021.	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	This action approves the Maintenance Plan and the Maintenance Plan Supplement for the Jackson County area.

■ 3. In § 52.1343, add paragraph (c) to read as follows:

§ 52.1343 Control strategy: Sulfur dioxide.

* * * * *

(c) *Redesignation to attainment.* As of [date 30 days after publication of the final rule in the **Federal Register**], the Jackson County 2010 SO_2 nonattainment area is redesignated to attainment of the 2010 SO_2 1-hour National Ambient Air Quality Standard (NAAQS) in accordance with the requirements of Clean Air Act (CAA) section 107(d)(3) and EPA has approved its maintenance plan and maintenance plan supplement as meeting the requirements of CAA section 175A.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 5. In § 81.326, revise the entry ''Jackson County, MO'' in the table entitled ''Missouri—2010 Sulfur Dioxide NAAQS [Primary]'' to read as follows:

§ 81.326 Missouri.

* * * * *

MISSOURI—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated area [1]	Designation	
	Date [2]	Type
Jackson County, MO	[Date 30 days after date of publication of the final rule in the **Federal Register**].	Attainment.
Jackson County (part) The portion of Jackson County bounded by I–70/I–670 and the Missouri River to the north; and, to the west of I–435 to the state line separating Missouri and Kansas.		
* * * * * * *		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2021–22746 Filed 10–25–21; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59, WC Docket No. 17–97; FCC 21–105; FR ID 53781]

Advanced Methods To Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission adopted a Further Notice of Proposed Rulemaking that proposes and seeks comment on a number of actions aimed at stopping illegal robocalls from entering U.S. networks. The document proposes to require gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers. It also proposes and seeks comment on a number of additional requirements to ensure that gateway providers take steps to prevent foreign-originated calls from entering the U.S. network.

DATES: Comments are due on or before November 26, 2021, and reply comments are due on or before December 27, 2021. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before December 27, 2021.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in this document. Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). Interested parties may file comments or reply comments, identified by CG Docket No. 17–59 and WC Docket No. 17–97 by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, 35 FCC Rcd 2788 (March 19, 2020), *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicole Ongele, FCC, via email to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For further information, please contact either Jonathan Lechter, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau, at *Jonathan.lechter@fcc.gov* or at (202) 418–0984, or Jerusha Burnett, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at *jerusha.burnett@fcc.gov.* For additional information concerning the Paperwork Reduction Act proposed information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fifth Further Notice of Proposed Rulemaking and Fourth Further Notice of Proposed Rulemaking (*FNPRM*) in CG Docket No. 17–59 and WC Docket No. 17–97, FCC 21–105, adopted on September 30, 2021, and released on October 1, 2021. The full text of this document is available for public inspection at the following internet address: *https://docs.fcc.gov/public/attachments/FCC-21-105A1.pdf.* To request materials in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format, etc.), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), or (202) 418–0432 (TTY).

Initial Paperwork Reduction Act of 1995 Analysis

This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13.

Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

I. Introduction

1. In this Further Notice of Proposed Rulemaking (FNPRM), we propose to take decisive action to stem the tide of foreign-originated illegal robocalls. Eliminating illegal robocalls that originate abroad is one of the most vexing challenges we face in eliminating the scourge of robocalling because of the difficulties presented by foreign-based robocallers. The rules we propose today will help to address this problem by placing new obligations on the gateway providers that are the point of entry for foreign calls into the United States, requiring them to lend a hand in the fight against illegal robocalls originating abroad.

2. Specifically, we propose to require gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers. This proposal would subject foreign-originated calls, once they enter the United States, to requirements similar to those of domestic-originated calls, by placing additional obligations on gateway providers in light of the large number of illegal robocalls that originate abroad and the risk such calls present to Americans. We further propose and seek comment on a number of additional robocall mitigation requirements to ensure that gateway providers take steps to prevent illegal calls from entering the U.S. network. Doing so will continue our aggressive and multi-pronged approach to combatting illegal robocalls.

3. We also take this opportunity to make general improvements to our anti-robocalling rules by seeking comment on revisions to the information that filers must submit to the Robocall Mitigation Database and by clarifying the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points (PSAPs) and other emergency services providers.

II. Background

4. Unwanted calls, which include illegal robocalls, are consistently the Commission's top source of consumer complaints. The Commission received approximately 232,000 such complaints in 2018, 193,000 in 2019, 154,000 in 2020, and 131,000 in 2021 as of September 28th. Multiple factors can affect these numbers, including outreach efforts and media coverage on how to avoid unwanted calls. Complaint numbers declined significantly during the first four months of the COVID–19 pandemic, reducing the total number of complaints the Commission received in 2020. Consumer harm from unwanted and illegal calls ranges from simple irritation to fraud and financial loss. In fact, the Federal Trade Commission (FTC) reports that American consumers lost $436 million to fraud over the phone and $86 million to fraud by text message in 2020. This reported fraud is only a fraction of the approximately $13.5 billion in estimated annual costs from illegal robocalls. Caller ID spoofing—the practice whereby a caller misrepresents, or ''spoofs,'' the information in the caller ID field—poses a particular problem because the identity of the calling party is falsified.

5. The Commission and Congress have long acknowledged that illegal robocalls that originate abroad are a significant part of the robocall problem. In a 2011 report to Congress, the Commission stated that ''caller ID spoofing directed at the United States by people and entities operating outside the country can cause great harm.'' Congress highlighted this problem in 2018, when it amended the Communications Act of 1934, as amended (the Act), to prohibit spoofing calls or texts originating outside the U.S. Similarly, in 2020, the North American Numbering Council (NANC), the Commission's advisory committee of outside experts on telephone numbering matters, stated that ''it is a long-standing problem that international gateway traffic is a significant source of fraudulent traffic.'' While these calls pose a significant problem, our jurisdiction does not generally apply directly to foreign entities.

6. *Types of Illegal Calls.* Illegal calls can come in many forms. Perhaps the most well-known illegal calls are those that are simply fraudulent, where the caller poses as a business, or even a government entity, in order to obtain payment or personal information. Fraudulent calls may violate any of a number of state or federal statutes. These calls can take a number of forms, but some common scams include callers posing as the Internal Revenue Service (IRS) or Social Security Administration (SSA), scams following natural disasters, or auto warranty scams. The IRS continues to warn consumers about phone scams, or ''vishing'' as part of its annual ''Dirty Dozen'' scams, stating that while overall it has seen a decline in reports of scammers claiming to be the IRS, consumers should remain cautious. The SSA also warns consumers to be wary of phone scams, providing tips to consumers on how to recognize these calls. Taken together, the FTC received over 700,000 reports of fraud by phone or text in 2020 alone.

7. But calls need not be fraudulent to be illegal. Calls can violate the Telephone Consumer Protection Act (TCPA), which prohibits initiating ''any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party,'' with certain statutory exemptions. The TCPA exempts from this prohibition calls for emergency purposes. In addition, in all but one instance, artificial or prerecorded voice messages must state the identity of the business, individual, or other entity that is responsible for initiating the call clearly at the beginning of the message as well as the telephone number either during or at the end of the message. Finally, the TCPA authorizes the Commission to adopt regulatory exemptions to 47 U.S.C. 227(b)(1)(B) for certain types of calls, including those not made for commercial purposes or that do not include an unsolicited advertisement. Similarly, the TCPA prohibits, without the prior express consent of the called party, any call using an automatic telephone dialing system or an artificial or prerecorded

voice to any telephone number ''assigned to a . . . cellular telephone service, . . . or any service for which the called party is charged for the call'' unless a statutory exemption applies. The TCPA grants the Commission authority to exempt certain calls from the requirements of 47 U.S.C. 227(b)(1)(A)(iii).

8. Calls are also illegal in some instances where the caller ID information has been spoofed. The Truth in Caller ID Act of 2009 made it illegal to transmit false or misleading caller ID information in order to defraud, cause harm, or wrongfully obtain something of value. And as we explained, in 2018, Congress extended this prohibition to reach spoofing activities directed at consumers in the United States from foreign actors, and applied the prohibition to alternative voice and text message services.

9. In enforcement actions, the Commission has found that robocalling campaigns, regardless of the content of the robocalls, may violate the Truth in Caller ID Act and its implementing rules. Specifically, the Commission has found that when an entity spoofs a large number of calls in a robocall campaign, it causes harm to: (1) The subscribers of the numbers that are spoofed; (2) the consumers who receive the spoofed calls; and (3) the terminating carriers forced to deliver the calls to consumers and handle ''consumers' ire,'' thereby increasing their costs. The Commission has held that the element of ''harm'' is broad and ''encompasses financial, physical, and emotional harm'' and that ''intent'' can be found when the harms can be shown to be ''substantially certain'' to result from the spoofing. When an entity knowingly uses a number that does not belong to it ''to make a large number of calls . . . the intent to harm may be imputed'' to the spoofing entity. Moreover, the Commission has found that repeated spoofing of unassigned numbers is ''a strong indication'' that the caller has the intent to defraud or cause harm.

10. *STIR/SHAKEN Caller ID Authentication.* While the Truth in Caller ID Act made spoofing illegal in certain instances, it did not by itself solve a fundamental technical problem: How to identify spoofing in the first instance and track down the call originator after discovering spoofing had occurred. To address this challenge, technologists from the internet Engineering Task Force (IETF) and the Alliance for Telecommunications Industry Solutions (ATIS) developed standards to allow for the authentication and verification of caller ID information carried over internet Protocol (IP) networks. The result of their efforts is the STIR/SHAKEN caller ID authentication framework, which allows for authenticated caller ID information to securely travel with the call itself throughout the entire length of the call path. More specifically, a working group of the IETF called the Secure Telephony Identity Revisited (STIR) developed several protocols for authenticating caller ID information. And ATIS, in conjunction with the SIP Forum, produced the Signature-based Handling of Asserted information using toKENs (SHAKEN) specification, which standardizes how the protocols produced by STIR are implemented across the industry. The Commission, consistent with Congress's direction in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, adopted rules requiring voice service providers to implement STIR/SHAKEN in the IP portions of their voice networks by June 30, 2021, subject to certain exceptions. In this Further Notice of Proposed Rulemaking, we use the terms ''voice service provider'' and ''intermediate provider'' consistent with the definitions in Part 64, Subpart HH of the Commission's rules, unless otherwise specified. Thus, ''voice service provider'' as used in this FNPRM refers, unless otherwise specified, to a provider of ''service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan'' and ''intermediate provider'' refers to ''any entity that carries or processes traffic that traverses or will traverse the PSTN at any point insofar as that entity neither originates nor terminates that traffic.'' The term ''voice service provider'' has a different meaning in the Commission's *Call Blocking* Orders, and there includes intermediate providers. Our use of the term ''voice service provider'' in this FNPRM does not expand on or narrow that phrase as used in those Orders and associated rules.

11. At a high level, the STIR/SHAKEN framework consists of two components: (1) The technical process of authenticating and verifying caller ID information; and (2) the certificate governance process that maintains trust in the caller ID authentication information transmitted along with a call. Regarding the technical process, STIR/SHAKEN requires that the provider authenticating the call attach additional, encrypted information to the metadata that travels along with a call, which allows the terminating voice service provider to verify that the caller ID is legitimate. The authenticating provider must include in this information its own identity as the provider that authenticated the call and an ''attestation level'' to signify what it knows about the calling party and its right to use the number in the caller ID. The current STIR/SHAKEN standards allow for three attestation levels. The highest level of attestation—called ''full'' or ''A-level''—asserts that the authenticating provider can confirm the identity of the subscriber making the call and that it is using its associated telephone number. The next-highest level of attestation—called ''partial'' or ''B-level''—asserts that the authenticating provider can confirm the identity of the subscriber but not the telephone number. The lowest level of attestation—called ''gateway'' or ''C-level''—asserts only that the provider is the point of entry to the IP network for a call that originated elsewhere and has no relationship to the call initiator. The authenticating provider must also include a digital ''certificate'' which says, in essence, that the provider is the entity it claims to be and that it has the right to authenticate the caller ID information.

12. To maintain trust and accountability in the providers that vouch for the caller ID information, a neutral governance system issues these certificates. The STIR/SHAKEN governance system requires several roles in order to operate: (1) A Governance Authority, which defines the policies and procedures for which entities can issue or acquire certificates (This role is currently filled by the Secure Telephone Identity Governance Authority); (2) a Policy Administrator, which applies the rules set by the Governance Authority, confirms that Certification Authorities are authorized to issue certificates, and confirms that voice service providers are authorized to request and receive certificates (After a request for proposals process, the Governance Authority selected iconectiv to fill this role); (3) Certification Authorities, which issue the certificates used to authenticate and verify calls (As the Policy Administrator, iconectiv vets and approves organizations interested in serving as a Certification Authority. The Policy Administrator website reflects that there are currently eight approved Certification Authorities.); and (4) the authenticating providers themselves, which select an approved Certification Authority from which to request a certificate. Under the current Governance Authority rules, a provider

must meet certain requirements to receive a certificate.

13. The Commission requires voice service providers subject to an extension from the requirement to implement STIR/SHAKEN—including smaller voice service providers and voice service providers with non-IP technology—to adopt and implement robocall mitigation practices in lieu of caller ID authentication. The Commission specifically directed voice service providers that must implement robocall mitigation to ''take reasonable steps to avoid originating illegal robocall traffic.'' The Commission adopted this standards-based approach to ''allow . . . voice service providers to innovate and draw from the growing diversity and sophistication of anti-robocall tools and approaches available,'' and because it found that ''there is no one-size-fits-all robocall mitigation solution that accounts for the variety and scope of voice service provider networks.'' The prohibition went into effect on September 28, 2021. The Commission established just one prescriptive requirement: A commitment to respond ''in a timely manner to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocalls that use its service to originate calls.'' The Commission explained that if it determined that its standards-based approach was not sufficient, it would ''not hesitate to revisit the obligations we impose through rulemaking at the Commission level.''

14. The Commission also required voice service providers to, by June 30, 2021, submit a certification to the Robocall Mitigation Database, stating whether they had implemented STIR/SHAKEN on all or part of their networks and, if they had not fully implemented STIR/SHAKEN, describe their robocall mitigation program and ''the specific reasonable steps the voice service provider has taken to avoid originating illegal robocall traffic.'' The Commission stated that a robocall mitigation program is sufficient if it ''includes detailed practices that can reasonably be expected to significantly reduce the origination of illegal robocalls,'' and stated that ''the voice service provider must comply with the practices it describes.'' As of September 28, 2021, 4,948 voice service providers have filed in the Robocall Mitigation Database: 1,302 attest to full STIR/SHAKEN implementation, 1,202 state that they have implemented a mix of STIR/SHAKEN and robocall mitigation, and 2,437 state that they rely solely on robocall mitigation.

15. The Commission prohibited intermediate providers and terminating voice service providers from accepting calls directly from a voice service provider not listed in the Robocall Mitigation Database, finding that such a prohibition would ''encourage all voice service providers to implement meaningful and effective robocall mitigation programs . . . during the period of extension from the STIR/SHAKEN mandate.'' The Commission extended this prohibition to traffic originated by foreign voice service providers that use ''North American Numbering Plan resources that pertain to the United States to send voice traffic to residential or business subscribers in the United States.'' We note that CTIA and the Voice on the Net Coalition (VON) filed petitions for reconsideration of the prohibition as it relates to foreign-originated traffic. This prohibition became effective on September 28, 2021. While the Commission made clear that it did ''not require foreign voice service providers to file a certification,'' it found that the rule ''create[d] a strong incentive for . . . foreign voice service providers'' to do so to avoid having their traffic blocked. The Commission concluded that the rule's ''indirect effect'' on foreign providers is consistent with the Commission's and courts' past conclusions regarding the scope of Commission jurisdiction. As of September 28, 2021, 609 foreign voice service providers have filed in the Robocall Mitigation Database, out of a total 4,948 voice service provider filings.

16. In addition to placing these obligations on voice service providers, the Commission required intermediate providers to implement STIR/SHAKEN in their IP networks. In the *Second Caller ID Authentication Report and Order,* the Commission placed two requirements on intermediate providers. First, regarding calls an intermediate provider receives with authenticated caller ID information, the Commission required intermediate providers to pass the authenticated caller ID information unaltered to the next provider in the call path. The Commission created two exceptions from this rule under which an intermediate provider may remove the authenticated caller ID information: (1) Where necessary for technical reasons to complete the call; and (2) where the intermediate provider reasonably believes the caller ID authentication information presents an imminent threat to its network security. Second, regarding calls an intermediate provider receives without authenticated caller ID information, the Commission gave intermediate providers two options. An intermediate provider could either authenticate caller ID information for these calls, or, in the alternative, an intermediate provider must cooperatively participate with the industry traceback consortium and respond fully and in a timely manner to all traceback requests. The Commission concluded that it had authority to place these obligations on intermediate providers under section 251(e) of the Act and the Truth in Caller ID Act.

17. In adopting these rules, the Commission defined ''voice service,'' consistent with section 4 of the TRACED Act, in part as ''any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end-user using resources from the North American Numbering Plan or any successor.'' It defined an ''intermediate provider'' as ''any entity that [carries] or processes traffic that traverses or will traverse the PSTN at any point insofar as that entity neither originates nor terminates that traffic.'' The Commission also established that its rules governing voice service providers and intermediate providers apply on a ''call-by-call'' basis; under this approach, ''[a] single entity . . . may act as a voice service provider for some calls on its network and an intermediate provider for others.''

18. *Call Blocking.* In parallel with its caller ID authentication work, the Commission has encouraged voice service providers, including intermediate providers, to block unwanted and illegal calls in certain situations, while also imposing requirements to reduce the risk that legitimate calls are blocked. Similarly, the Commission has adopted affirmative obligations for voice service providers, which include intermediate providers for purposes of our call blocking rules, to help eliminate illegal calls from the network.

19. To date, the Commission has taken a mostly permissive approach to call blocking, encouraging terminating voice service providers and, occasionally, all voice service providers (including intermediate providers) to block in certain instances and protecting them from liability under the Commission's rules if they block in error. The Commission, in the 2017 *First Call Blocking Order,* took a clear, bright-line approach by authorizing voice service providers, including intermediate providers, to block calls that purport to be from invalid, unallocated, or unused numbers without first obtaining customer

consent. The Commission reasoned that there is no legitimate reason for a caller to spoof these numbers, and therefore these calls are highly likely to be illegal. As a result, no reasonable consumer would want to receive such calls. The *First Call Blocking Order* also permitted blocking of calls using a do-not-originate list, which includes numbers that should never be used to originate calls. The Commission determined that these rules apply to foreign-originated calls that purport to originate from U.S. North American Numbering Plan (NANP) numbers on the grounds that many illegal calls originate from call centers abroad.

20. Subsequent Commission action ensured that terminating voice service providers can respond to the evolving tactics of bad actors. First, in the *Call Blocking Declaratory Ruling and Further Notice of Proposed Rulemaking,* adopted in 2019, the Commission made clear that terminating voice service providers may block calls based on reasonable analytics so long as consumers are given the opportunity to opt out of such blocking. The Commission, in the 2020 *Third Call Blocking Order and Further Notice of Proposed Rulemaking,* then adopted a safe harbor from violations of the Act and the Commission's rules for terminating voice service providers that block based on reasonable analytics designed to identify unwanted calls, so long as the analytics take into account caller ID authentication information and consumers are given the opportunity to opt out. The *Second Report and Order* in CG Docket No. 17–59 concerns the Reassigned Numbers Database and is not directly relevant to our discussion here. The Commission also established a safe harbor for voice service providers (including intermediate providers) to block calls from a bad-actor upstream provider that fails to effectively mitigate illegal traffic after being notified of such traffic by the Commission. Finally, the Commission, in that *Order,* took steps to reduce the risk of erroneous blocking. In the 2020 *One Ring Scam Order,* the Commission permitted voice service providers (including intermediate providers) to use reasonable analytics on a network-wide basis to block calls from numbers that are highly likely to be associated with one-ring scams and extended the existing safe harbor to include such blocking. Providers may block such calls if they ''appear to be one-ring scam calls, even if such identification proves to be erroneous in a particular instance.''

21. Most recently, in the December 2020 *Fourth Call Blocking Order,* the Commission expanded the safe harbor for blocking based on reasonable analytics to include certain network-level blocking, without consumer opt out, designed to identify calls that are highly likely to be illegal. The safe harbor is available to terminating voice service providers that disclose to consumers that they are engaging in such blocking. The Commission also adopted enhanced transparency and redress requirements for voice service providers that block calls. Beyond blocking, the Commission, in the *Fourth Call Blocking Order,* established three affirmative obligations that apply to voice service providers (including intermediate providers). First, voice service providers must respond to all traceback requests from the Commission, law enforcement, or the industry traceback consortium, fully and timely. Second, voice service providers must take steps to effectively mitigate illegal traffic when notified of such traffic by the Commission. The Commission noted that ''blocking may be necessary for gateway providers to comply with these requirements.'' Finally, voice service providers must adopt affirmative, effective measures to prevent new and renewing customers from using the network to originate illegal calls.

III. Discussion

22. Now that voice service providers have implemented STIR/SHAKEN or a robocall mitigation program, a key component of our anti-robocall efforts is in effect. However, bad actors abroad continue to remain largely outside of our caller ID authentication scheme. At present, our rules only require the gateway providers that bring foreign calls into the United States to pass along preexisting authenticated caller ID information unaltered, participate in traceback, and take steps to effectively mitigate illegal traffic when notified of such traffic by the Commission. While these obligations are valuable, they are not enough for the task at hand: Stopping illegal robocalls that originate abroad and the fraudulent actors producing those calls from preying on Americans.

23. To that end, we propose to place additional requirements on gateway providers to ensure that they are doing their part to combat the scourge of illegal robocalls. Specifically, we propose to require gateway providers to authenticate all SIP calls and employ robocall mitigation techniques on calls that they allow into the United States from abroad that display a U.S. number in the caller ID field, which implies to the call recipient that the call originated in the United States. In this FNPRM, where we refer to caller ID information or the number in the caller ID field, we rely on the definition of ''caller identification information'' in our rules.

A. Need for Action

24. *Current Rules Addressing Foreign-Originated Robocalls Are Insufficient.* We tentatively conclude that our current rules addressing foreign-originated robocalls are not sufficient to resolve the problem of foreign-originated illegal robocalls:

- Under our caller ID authentication rules, gateway providers—as intermediate providers—are required to pass along authenticated caller ID information unaltered. Although intermediate providers are also required to apply STIR/SHAKEN to unauthenticated calls they receive, they are excused from that requirement if they elect to cooperatively participate with the industry traceback consortium and respond fully and in a timely manner to all traceback requests they receive from the Commission, law enforcement, and the industry traceback consortium regarding calls for which they act as an intermediate provider. Since May 6, 2021, however, under our call blocking rules, intermediate providers (again, including gateway providers) are also subject to a separate requirement to respond fully and in a timely manner to all traceback requests from those same entities. This rule was adopted in the *Fourth Call Blocking Order* and took effect on May 6, 2021. By complying with that new rule, intermediate providers also meet the traceback requirement in our caller ID authentication rules (§ 64.6302(b)) and, under that rule, are excused from complying with the requirement to apply STIR/SHAKEN to unauthenticated calls. In addition, intermediate providers are not subject to any requirement under the caller ID authentication rules to perform robocall mitigation. This means that even though gateway providers are where a call first enters the U.S. network, they are not subject to the same obligations that apply to domestic originating voice service providers.
- Foreign entities are prohibited from spoofing caller ID with the intent to defraud, cause harm, or wrongfully obtain anything of value when placing calls to recipients in the United States. While this prohibition is valuable, the very nature of spoofing makes it difficult to identify spoofing in the first instance, and track down the call originator after discovering spoofing has occurred.
- Foreign originating voice service providers that use NANP resources that

pertain to the United States to send traffic to the United States may have their traffic blocked if they are not in our Robocall Mitigation Database, which requires certification of STIR/SHAKEN implementation or the use of a robocall mitigation program. But this requirement is limited by the fact that the prohibition applies only to traffic received ''directly'' from a foreign voice service provider not listed in the Robocall Mitigation Database; a foreign voice service provider is not currently required to file if it always routes traffic destined for U.S. consumers over intermediate provider networks before they reach the U.S. gateway, and a bad actor could easily exploit this loophole.

• Our call blocking rules require voice service providers (including intermediate providers) to respond to traceback requests and take steps to effectively mitigate illegal traffic and require originating providers to take steps to prevent new and renewing customers from using the network to originate illegal calls. However, because a foreign voice service provider upstream from the gateway provider is outside of the scope of our rules, these requirements may not always allow the call originator to be identified or the traffic to be stopped before it reaches United States consumers.

25. We tentatively conclude that it would benefit Americans to subject foreign-originated robocalls, once they reach a gateway provider in the United States, to the same types of measures applied to calls originated in the United States: Caller ID authentication and robocall mitigation. We further tentatively conclude the unique challenges associated with foreign-originated robocalls demand that gateway providers be subject to additional caller ID authentication and robocall mitigation requirements, to ensure Americans are protected from calls originating abroad. Unlike other providers, gateway providers have visibility into the foreign network where the call originates and have the ability to identify instances when a call that purports to originate from a U.S. number in fact originated internationally, which can reduce the accuracy and effectiveness of blocking analytics. And unlike terminating voice service providers, gateway providers can stop illegal calls to customers of many terminating voice service providers. We seek comment on these tentative conclusions. Are our current rules addressing foreign-originated robocalls sufficient? Rather than adopt new rules, should we leverage our existing rules in new ways to stop such calls? Or should we adopt new rules that rely on methods other than caller ID authentication and robocall mitigation? If so, what type of rules should we adopt?

26. *A Large Portion of Illegal Robocalls Originate Abroad.* Available evidence indicates that a large portion of unlawful robocalls terminating within the United States originate outside the United States. USTelecom states that fraudulent calls are ''almost always are coming from overseas,'' while ZipDX states that traceback data ''have implicated foreign entities as a primary source of the worst kinds of robocalls.'' While some fraudulent traffic carries caller ID information matching the origination country (*e.g.,* a call from France carries French caller ID), ''the portion of this traffic to the overall fraudulent call volume is relatively small,'' and it appears that most foreign-originated fraudulent traffic carries a U.S. number in the caller ID field. We seek comment on this evidence, the relative proportion of domestic- and foreign-originated illegal robocalls, the prevalence of caller ID spoofing in foreign-originated robocalls, and trends in foreign-originated robocalling targeted at the United States over time. We also seek comment on the causes of any identified shift from domestic- to foreign-originated illegal robocall campaigns. Have the recent steps the Commission has taken in its call blocking and caller ID authentication orders and the June 30, 2021 STIR/SHAKEN implementation deadline pushed an increasing proportion of illegal robocall origination abroad? Are there other explanations for a shift to foreign-originated robocalls?

27. *Role of Gateway Providers.* While foreign-originated illegal robocalls are a major problem, these calls can only reach U.S. consumers and businesses after they pass through a gateway provider. The NANC has recognized that, to access the U.S. market, foreign originators must send traffic to a gateway provider that is unwilling or unable to block that traffic.

28. The Commission's Enforcement Bureau has repeatedly identified gateway providers as playing a key role in bringing illegal robocalls to the United States. In letters sent to multiple gateway providers in February 2020 to ''assist the . . . Commission in stopping the flow of malicious robocalls originating from sources outside the United States,'' the Enforcement Bureau noted that a gateway provider, ''[a]s the point of entry for this traffic into the U.S. telephone network, is uniquely situated to . . . combat apparently illegal robocalls.'' In spring 2020, in conjunction with a Division of the Federal Trade Commission, the Enforcement Bureau warned international ''gateway providers facilitating COVD–19 related scam robocalls originating abroad that they must cut off these calls or face serious consequences.'' In April 2020, the FTC and FCC wrote to three gateway providers and demanded that they stop facilitating scam COVID–19-related robocalls from India and Pakistan. In May 2020, the FTC and FCC sent an additional three letters to three separate gateway providers regarding similar campaigns originating in the UK, Germany, and other destinations abroad. Most recently, in spring 2021, the Enforcement Bureau sent cease-and-desist letters to ten providers, including some gateway providers, making clear that, should they not cease transmitting illegal robocall campaigns immediately, ''other network operators [would] be authorized to block traffic from these companies.''

29. The Department of Justice (DOJ) has also brought enforcement actions against gateway providers that allow illegal robocall traffic into the country. In two recent DOJ cases, DOJ states that ''the defendants engaged in wire fraud schemes by knowingly serving as 'gateway carriers' for fraudulent calls; that is, the defendants received fraudulent robocalls from foreign customers and relayed those calls into the United States telecommunications system.'' The schemes, according to the DOJ, would not have worked unless the defendants, were ''willing to accept the fraudsters' robocall traffic into the U.S. telephone system. . . . The [defendants] provide the crucial interface between foreign internet-based phone traffic and the U.S. telephone system.'' We seek comment on whether these cases are representative of the role that some gateway providers play in allowing illegal robocalls to reach U.S. subscribers.

30. We seek comment on the relationship between gateway providers and illegal robocalls entering the U.S. market. Is the problem driven by a few unscrupulous gateway providers that have entered into business arrangements to transit illegal foreign-originated robocall traffic? In a recent case, the DOJ noted that the defendant gateway providers ''specifically market their services to foreign call centers and foreign VoIP providers looking to transmit high volumes of robocalls into the United States.'' Or is the problem more widespread, for instance because gateway providers do not or cannot easily identify bad actors sending illegal robocalls to the United States through the gateway provider's network? If the

problem is widespread, why do gateway providers today decline to identify and act to restrict bad actors and unlawful robocalls? Do foreign originators send illegal robocall traffic to the gateway indirectly, through one or more foreign intermediate providers, in order to conceal the nature of the call before it reaches the U.S. gateway? Are there other mechanisms by which foreign originators of illegal robocalls send their traffic to the United States such that it would be brought onto the U.S. network by an unsuspecting gateway provider?

31. We also seek comment on how foreign robocallers and the voice service providers that serve them use U.S. numbers in the caller ID field for their illegal robocall campaigns. Do these entities primarily spoof U.S. numbers? Or do these bad actors also use U.S. numbers that the voice service provider or their customer has obtained the right to use, either directly from the Numbering Administrator or indirectly through another provider? We note that the Commission recently proposed rules to help prevent VoIP providers from obtaining numbers directly from the Numbering Administrator for use in illegal robocall campaigns, and there are existing reporting rules regarding number usage. Are there other safeguards we should consider to prevent foreign providers from using U.S. NANP numbers in illegal robocall campaigns?

B. Scope of Requirements and Definitions

32. In light of their unique role in bringing foreign-originated illegal robocalls onto U.S. networks, we propose to impose new obligations on gateway providers for foreign-originated calls that use U.S. numbers in the caller ID field. We believe that this approach will narrowly target those providers best able to stop those calls that have the greatest likelihood to be part of illegal robocall campaigns that harm Americans—foreign-originated calls carrying U.S. numbers in the caller ID field.

33. While the Commission has imposed requirements on intermediate providers, including gateway providers, it has never defined ''gateway provider'' as a distinct category of entities. We now propose to define a ''gateway provider'' as the first U.S.-based intermediate provider in the call path of a foreign-originated call that transmits the call directly to another intermediate provider or a terminating voice service provider in the United States. We do not include in this proposed definition a gateway provider that terminates calls in the U.S. To the extent a gateway provider terminates a call in the U.S., it is acting as a terminating voice service provider and is already subject to our existing caller ID authentication and/or robocall mitigation rules. In this proposed definition, by ''U.S.-based,'' we mean that the provider has facilities in the U.S. including a U.S. located point of presence. We seek comment on this proposed definition. Should we define ''gateway provider'' differently? Should we define ''U.S.-based'' differently? Should our definition include the first U.S.-based provider in the call path for a foreign-originated call that also terminates that call? Should we extend some or all of the requirements we propose today to such terminating voice service providers, or are existing requirements sufficient? Should we exclude from the definition those providers that serve as a gateway for only a *de minimis* amount of foreign originated traffic? Are such providers unlikely to be the source of illegal robocalls? If so, how should we define *de minimis* for this purpose? Is there another way to effectively limit our definition to apply only to those gateway providers that are especially likely to be the source of illegal calls on the U.S. network? Does our definition need to be modified to take into account the scenario where a call originates in the U.S., is routed internationally (over the same provider or a different provider's facilities), and then is routed back to a U.S. end-user through a gateway provider? What about a scenario where a call enters the U.S. through a gateway provider, is routed outside of the U.S. and then back into the U.S. through the same or different gateway provider?

34. We seek comment on whether U.S.-based providers that fall under our proposed definition of gateway provider also, in some instances, originate calls from abroad carrying U.S. NANP numbers that are brought into the U.S. by that same provider. In other words, are there instances where the provider that brings the call into the U.S. is also acting as an originating provider? For such calls, the U.S.-based provider would not fall under our proposed gateway provider definition where it is not acting as an intermediate provider. For example, a U.S.-based provider acts as a gateway provider for calls foreign providers send to it. The same U.S-based provider may also serve an end-user customer in another country that is originating traffic in that country and sending traffic over that U.S.-based provider's network into the U.S. marketplace. In such an instance, the U.S.-based provider is not acting as an intermediate provider and thus would not fall within our proposed definition of gateway provider. However, if a U.S.-based provider has contracted with a foreign provider or customer to allow calls into the U.S. marketplace and the call is brought to the U.S.-based providers' U.S. network by a foreign provider, the U.S.-based provider would be an ''intermediate provider'' and therefore fall within our proposed definition. Are certain arrangements that are not covered by our proposed definition likely to be part of an illegal robocall campaign? If so, should we broaden or otherwise modify our proposed definition to ensure that such calls fall within the scope of the protections we propose in this FNPRM? Alternatively, should we explicitly include these situations for the purposes of specific rules, such as our proposed mandatory blocking rules?

35. As we have elsewhere in our caller ID authentication rules, we propose to classify providers as gateway providers on a call-by-call basis rather than on a class basis. Thus, a provider would be a ''gateway provider''—and subject to rules applied to that class of provider—only for those calls for which it acts as a gateway provider; it would be an ''intermediate provider'' or ''voice service provider''—and subject to rules applied to those classes of provider—for all other calls, *e.g.,* for domestic-originated calls that it carries. We believe it is appropriate to apply that approach here not only for regulatory symmetry, but also because it would capture all instances in which an entity acts as a gateway provider. At the same time, this approach would not subject all traffic handled by an entity to enhanced obligations simply because a portion of that traffic originates abroad. We seek comment on this proposal. Should we instead diverge from our ''call-by-call'' approach for gateway providers? Do providers have the ability to treat foreign-originated calls differently on a call-by-call basis? If we were to establish that a provider is a gateway provider for *all* of its traffic, if *any* traffic it transits originates abroad, would such an approach place unreasonable obligations on a provider's domestic traffic simply because some traffic is foreign-originated?

36. We further propose to limit the scope of our proposed requirements for gateway providers to those calls that are carrying a U.S. number in the caller ID field. By a ''U.S. number,'' we are referring to NANP resources that pertain to the United States. Under this approach, we would exclude from the scope of our rule those calls that carry a U.S. number in the ANI field but

display a foreign number in the caller ID field. We believe that this approach is consistent with our goal to prevent illegal spoofing, which is dependent upon manipulating the caller ID field that is visible to the call recipient. We further propose to apply this requirement on a ''call-by-call'' basis. Under this approach, a gateway provider would be subject to these requirements for those calls it transits that carry a U.S. number in the caller ID field, but that same gateway provider would *not* be subject to these requirements for calls displaying numbers associated with another country. We seek comment on these proposals. We also seek comment on the feasibility and desirability of widening the scope of our proposed rules to cover calls carrying non-U.S. numbers in the caller ID field or a subset of non-U.S. numbers. If we include a subset of non-U.S. numbers, what numbers should we include?

37. Limiting our proposed rules to calls that use U.S. numbers in the caller ID field is similar to the approach in our current rule that requires intermediate providers and voice service providers to not accept calls directly from a foreign voice service provider that is carrying U.S. numbers if the foreign voice service provider is not listed in the Robocall Mitigation Database. In that context, we limited application of our rule to foreign voice service providers that ''use[ ] North American Numbering Plan resources that pertain to the United States.'' We seek comment on whether it is appropriate, in this context, to take a narrower or more expansive approach than we did in the context of foreign voice service providers whose traffic must be blocked if they are not listed in the Robocall Mitigation Database.

C. Authentication

38. To combat foreign-originated robocalls, we propose to require gateway providers to authenticate caller ID information consistent with STIR/SHAKEN for SIP calls that are carrying a U.S. number in the caller ID field.

39. As the Commission has previously explained, application of caller ID authentication by intermediate—including gateway—providers ''will provide significant benefits in facilitating analytics, blocking, and traceback by offering all parties in the call ecosystem more information.'' At the time the Commission reached this conclusion, in light of record concerns that an authentication requirement on all intermediate providers ''was unduly burdensome in some cases,'' the Commission established that intermediate providers could ''register and participate with the industry traceback consortium as an alternative means of complying with our rules,'' in lieu of authenticating unauthenticated calls.

40. Since the Commission established those requirements in the *Second Caller ID Authentication Report and Order,* in the *Fourth Call Blocking Order,* the Commission subsequently required all voice service providers—which include gateway providers and other intermediate providers under our call blocking rules—to cooperate with traceback requests. This rule has effectively mooted the choice given to intermediate providers in the earlier *Second Caller ID Authentication Report and Order* to authenticate calls *or* cooperate with traceback requests. We propose concluding that, given the key role gateway providers play in allowing foreign calls into the United States, gateway providers should be required to authenticate unauthenticated foreign-originated SIP calls that they receive *and* cooperate with traceback requests with respect to those same calls. Requiring gateway providers to authenticate caller ID information for all unauthenticated foreign-originated SIP calls will offer information to the downstream providers regarding where a foreign-originated robocall entered the call path, facilitating analytics and promoting traceback efforts. We seek comment on this proposal.

41. Illegal robocalls cost Americans over $13.5 billion annually. Given the prevalence of robocalls from abroad, we anticipate that the deterrence that arises from authenticating unauthenticated foreign-originated calls is likely to be highly beneficial and that those benefits outweigh any concerns about C-level attestations not carrying sufficient information to assist in the policing of illegal robocalling campaigns. Even with a ''C-level'' (gateway) attestation, we anticipate that authenticating unauthenticated calls will facilitate faster traceback and improve call analytics. We seek comment on this analysis and on the possible benefits of the requirement we propose.

42. We also seek comment on the proposal's costs for gateway providers. While the Commission previously acknowledged claims that it was ''unduly burdensome in some cases'' to require all intermediate providers to authenticate unauthenticated calls, we anticipate that our proposal will not be unusually costly for gateway providers compared to voice service providers already required to implement caller ID authentication. Further, as more and more providers implement STIR/SHAKEN, we anticipate that technology and solutions will be more widely available and less costly to implement. We seek comment on this analysis. Is there any reason to believe that authentication is more costly for gateway providers compared to other providers or that the benefit of lower-level attestations would be limited?

43. *Requirements.* We propose that, to comply with the requirement to authenticate calls, a gateway provider must authenticate caller ID information for all SIP calls it receives for which the caller ID information has not been authenticated and which it will exchange with another provider as a SIP call. This proposal follows the caller ID authentication rule governing intermediate provider authentication of unauthenticated calls they receive, where intermediate providers elect authentication instead of cooperation with tracebacks. As noted, the call blocking rules have mooted this choice. We seek comment on whether and how to alter this proposal. Are there any scenarios in which transmitting a call with authenticated caller ID information is not possible, and if so, how should we address any such circumstances? Should we adopt a technical feasibility exception, as we have established for voice service providers with respect to the obligation to transmit an authenticated call with authenticated caller identification information to the next voice service provider or intermediate provider in the call path? Would establishing exceptions present the possibility for abuse?

44. We propose that, as with our requirement on voice service provider authentication, a gateway provider satisfies this requirement if it adheres to the three ATIS standards that are the foundation of STIR/SHAKEN—ATIS–1000074, ATIS–1000080, and ATIS–1000084—and all documents referenced therein. We also propose that compliance with the most current versions of these standards as of the date of release of any Report and Order following this FNPRM, including any errata as of that date or earlier, represents the minimum requirement to satisfy our rules. We seek comment on this approach. Are there any reasons these standards are not appropriate for gateway providers? Are there any technical challenges that may emerge (*e.g.,* will the addition of the authenticated Identity Header in the SIP message cause UDP fragmentation)? And if so, how can they be mitigated? Alternatively, are there other standards we should require gateway providers to adhere to? Should we require compliance with standards current as of an earlier date? If so, which date?

45. Because we propose permitting gateway providers to authenticate caller ID information in a manner consistent with industry standards, we do *not* propose limiting the attestation level they may assign to a given call. To the extent standards allow a gateway provider to assign ''full'' (A-level) or ''partial'' (B-level) attestation to a call, under this proposal they are free to do so; they would not be limited to assigning ''gateway'' (C-level) attestation. Stakeholders previously supported this approach regarding intermediate providers, and we seek comment on whether this continues to be the best approach to attestations by gateway providers, a subset of intermediate providers. Is there a reason we should limit gateway providers to assigning a certain attestation level or levels, and if so what level? Under what circumstances would gateway providers be able to assign, and anticipate assigning, an A- or B-level attestation?

46. *Non-IP Network Technology.* As we have explained, the STIR/SHAKEN framework is an IP-based solution. How should we address gateway providers that use non-IP network technology? How prevalent is non-IP network technology among gateway providers? Are gateway providers using non-IP network technology less likely or more likely to be the point of entry for foreign-originated illegal robocalls onto the U.S. network? Our rules require voice service providers with non-IP network technology to either upgrade their network to IP and implement STIR/SHAKEN, or work with a working group, standards group, or consortium to develop a non-IP caller ID authentication solution. Should we adopt a similar requirement here? We do not currently apply a similar requirement to intermediate providers, including gateway providers. In our preliminary view, however, adopting such a requirement for gateway providers may be warranted to prevent evasion of any restrictions we establish by bad actors. We seek comment on this view. The Commission previously stated that it would ''continue to evaluate whether an effective non-IP caller ID authentication framework emerges'' and, ''if and when [it] identif[ies] an effective framework, [it] expect[s] to . . . shift . . . from focusing on development to focusing on implementation.'' We seek comment on adopting this same approach with respect to gateway providers here. Should we instead mandate that gateway providers with non-IP network technology implement a non-IP caller ID authentication solution, such as Out-of-Band STIR? Should gateway providers relying on non-IP technology continue to be fully exempt from any obligation to implement caller ID authentication, like other intermediate providers?

47. *Token Access.* Does the Governance Authority's token access policy serve as a barrier to participation in STIR/SHAKEN for all or a subset of gateway providers? That policy requires entities to have a current FCC Form 499–A on file with the Commission, have been assigned an Operating Company Number (OCN), and have either direct access to numbering resources or filed a certification in the Robocall Mitigation Database in order to obtain a token necessary to participate in STIR/SHAKEN. We assume that gateway providers that are already acting as voice service providers and are subject to the duty to authenticate calls they originate or terminate may have already obtained a token in order to comply with their duties as a voice service provider. Is that assumption correct? How many gateway providers also serve as voice service providers? While providers so situated may already possess the necessary token, will other gateway providers have difficulty obtaining tokens under the current policy? Do some or all gateway providers have no obligation to file an FCC Form 499–A because they do not fall under one of the categories of entities required to submit the form? If so, should we encourage the Governance Authority to waive for such providers the requirement to file an FCC Form 499–A to obtain a token? Are some or all gateway providers unable to obtain an OCN based on the National Exchange Carrier Association's (NECA) policies? If certain gateway providers are not required to file a Form 499–A or cannot readily obtain an OCN, should we encourage or require the Governance Authority to modify its token access policy to ensure that gateway providers are able to obtain a token and comply with an authentication requirement? And do we need to make changes to our Robocall Mitigation Database to allow compliance with the Governance Authority's filing requirement?

48. *Compliance Deadline.* We seek comment on when we should require gateway providers' authentication obligation to become effective, mindful of the public interest of prompt implementation by gateway providers with the need for these providers to have sufficient time to implement our proposed obligation. We note that the STIR/SHAKEN caller ID authentication obligations in the TRACED Act became effective 18 months following its enactment, and voice service providers were able to meet that deadline. Our rules adopted pursuant to the TRACED Act grant certain providers exemptions and extensions from this deadline. Accordingly, would a March 1, 2023 deadline, falling approximately 18 months after we adopt this FNPRM, be a reasonable deadline for implementation of our authentication obligation? Would an earlier or later deadline for all gateway providers better balance the benefit of the rule against the burden?

49. Should we modify our proposed deadline for certain classes of gateway providers? For example, should we identify a subset of gateway providers that are most likely to be the conduit for illegal robocalls and subject them to an accelerated timeline? How should we identify such providers? Should we identify those gateway providers that have received at least a certain number of traceback requests or other indicia of involvement in illegal robocalling? If so, what would be an appropriate threshold? What deadline should we give such providers? Instead, should we expect faster implementation of STIR/SHAKEN by those gateway providers that are also voice service providers under our STIR/SHAKEN rules, are not subject to an extension or exemption, and therefore are already authenticating caller ID information for calls they originate? Will a provider so situated be in a better position to implement STIR/SHAKEN quickly? If so, why?

50. In the *Second Caller ID Authentication Report and Order,* the Commission granted several categories of voice service providers that faced undue hardship in implementing STIR/SHAKEN additional time for compliance, consistent with the directive of the TRACED Act: Small voice service providers, providers unable to receive a token from the Governance Authority, and services subject to discontinuance. Should we grant any categories of gateway providers extensions or exceptions from our proposed authentication requirement on the basis of undue hardship or for another reason? Are the extensions the Commission previously granted for STIR/SHAKEN based on undue hardship relevant to the context of gateway providers? For instance, should we grant small gateway providers an extension from any deadline we establish, and, if so, which gateway providers should we define as ''small?'' Or would doing so undermine the value of any requirements we adopt? If we grant an extension to some gateway providers, how much additional time would be appropriate in light of the public interest of prompt

participation in the STIR/SHAKEN framework? If we grant an exemption, how would any exemption square with the importance of ubiquitous STIR/SHAKEN? Instead of a categorical approach, should we rely on individualized waiver requests pursuant to the Commission's longstanding waiver standard? The Commission may exercise its discretion to waive a rule where the particular facts at issue make strict compliance inconsistent with the public interest. In considering whether to grant a waiver, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

D. Robocall Mitigation

51. While our caller ID authentication rules require voice service providers to implement STIR/SHAKEN or, if they are subject to an extension, to implement an appropriate robocall mitigation program, in this Notice we propose requiring gateway providers to apply both of these protections to calls they bring onto the U.S. network. We further propose and seek comment on additional requirements on gateway providers, at least some of which go beyond those that currently apply to voice service providers. First, we propose to require gateway providers to respond to all traceback requests from the Commission, law enforcement, and the industry traceback consortium within 24 hours. Second, we propose and seek comment on imposing mandatory blocking requirements on gateway providers. Third, we seek comment on establishing know-your-customer requirements for gateway providers. Fourth, we seek comment on requiring gateway providers to adopt certain contractual provisions with foreign providers from which they accept calls. Finally, in addition to adopting one or more of these robocall mitigation requirements, we propose to establish a general duty on gateway providers to mitigate illegal robocalls.

1. 24-Hour Traceback Requirement

52. We propose to require gateway providers to respond fully to all traceback requests from the Commission, civil or criminal law enforcement, and the industry traceback consortium within 24 hours of receiving such request. This requirement would be stricter than our general obligation, which requires that voice service providers (including intermediate providers) respond to traceback requests ''in a timely manner.'' As we have stated in the past, traceback is an essential part of identifying the source of illegal calls. Information gained from traceback can both aid in enforcement after calls are placed and be used proactively to stop further calls from a particular source. We believe that time is of the essence in all tracebacks, but particularly for foreign-originated calls where the Commission or law enforcement may need to work with international regulators to obtain information from providers outside of U.S. jurisdiction.

53. We seek comment on this proposal. Is a mandatory 24-hour response time appropriate, or should we consider a different response time? Because gateway providers are already required to respond to traceback ''timely,'' we believe that this enhanced requirement presents a minimal burden on gateway providers. We seek comment on this tentative conclusion. Are there any instances where a gateway provider may need more time to respond? If so, what would cause such a delay (*e.g.,* what are the technical and/or operational challenges that would contribute to the delay)? How might we address any such problems to best enable gateway providers to meet such a requirement? Should we instead consider requiring response in a shorter time than 24 hours? Are there additional benefits or burdens to requiring a faster response time? Are there any other issues we should consider in adopting such a requirement, such as the impact on small gateway providers?

54. We seek comment on other means to improve traceback when calls originate internationally. Are there other, or additional, steps the Commission could take to improve this process and make bad actors easier to identify and stop? Should the Commission consider taking these steps in addition to, or instead of, requiring gateway providers to respond within 24 hours? What benefit would these approaches provide? Are there any particular burdens or concerns the Commission should consider when weighing these options?

55. *Compliance Deadline.* We propose to require gateway providers to comply with this requirement by 30 days after publication of the notice of an Order adopting this requirement in the **Federal Register**. Because gateway providers are already required to respond to traceback requests ''fully and timely,'' we do not believe there is any reason to further delay implementation of this requirement. We seek comment on this proposal and analysis. Would a different compliance deadline be more appropriate and, if so, why?

2. Mandatory Blocking

56. To date, the Commission has generally taken a permissive approach to call blocking, allowing voice service providers the flexibility to block in certain instances, but not requiring blocking. In adopting the effective mitigation requirement, the Commission did make clear that gateway providers may be required to block in order to comply. The Commission's rules also direct intermediate and voice service providers to only accept calls using NANP numbers sent directly from voice service providers with a filing in the Robocall Mitigation Database. This requirement is distinct from our blocking requirements. Unfortunately, illegal calls continue to plague American consumers. When calls originate outside the United States, enforcement against, or even identification of, the caller is much more difficult. Gateway providers are positioned to reduce the flood of foreign-originated illegal calls before they reach American consumers. If a gateway provider stops a single calling campaign before it enters the U.S. network, no American consumers will receive those calls. Because gateway providers may, in many cases, not have direct relationships with American consumers, they may lack incentive to take aggressive action absent a mandate. To address these issues, we seek comment on several possible approaches to requiring gateway providers to block calls, particularly where those calls bear a U.S. number in the caller ID field.

57. *Gateway Provider Blocking Based on Commission Notification of Illegal Calls.* In the *Fourth Call Blocking Order,* the Commission adopted rules requiring voice service providers, including gateway providers, to ''take steps to effectively mitigate'' illegal traffic when notified of such traffic by the Commission. The Commission noted that gateway providers may need to block calls in order to comply with this requirement as, unlike originating voice service providers, they often do not have a direct relationship with the call originator. We believe that modifying this rule to affirmatively require gateway providers to block calls upon receipt of notification from the Commission through its Enforcement Bureau would better protect American consumers from illegal calls and thus seek comment on whether to do so. We therefore propose to strengthen our existing effective mitigation requirement as to gateway providers. Specifically, we propose to require gateway providers, following a prompt investigation to

determine whether the traffic identified in the Enforcement Bureau's notice is illegal, to promptly block all traffic associated with the traffic pattern identified in that notice. We seek comment on this proposal.

58. We seek comment on whether allowing gateway providers to investigate prior to blocking strikes the correct balance. Currently, our rules do not specify how quickly a voice service provider must act, but do require that it investigate and report to the Commission ''promptly.'' The report must include any steps taken to effectively mitigate the identified traffic or an explanation as to why the provider has concluded that the identified calls were not illegal. Is this the correct approach given the heightened risk of foreign-originated illegal robocalls, or should we adopt a stricter standard for gateway providers? For example, should gateway providers block calls prior to investigation? If so, should we require that gateway providers implement blocking immediately upon receipt of notification? If not, what is an appropriate delay prior to implementing a block? If we require blocking prior to investigation, how can we ensure that gateway providers are granted due process? What are the risks associated with a too-long or too-short time, and how might we mitigate those risks? Are there any other issues we should consider in determining how quickly a gateway provider must block calls and whether to allow investigation prior to blocking?

59. We seek comment on the contours of the blocking obligation. Should we require the notified gateway provider to block all calls that meet criteria identified by the Enforcement Bureau in its notice that make it highly likely that the calls are part of the same call pattern as those calls that the Commission has determined to be illegal? The *Fourth Call Blocking Order* established specific details that the Enforcement Bureau must include in its notice. Or should we allow gateway providers some discretion to determine the scope of the block based on the Enforcement Bureau's notice? If we allow discretion, should we instead establish general guidelines in our rules, to ensure that a gateway provider can know that it is in full compliance with our rules? If so, what might these guidelines look like? If we adopt our proposal of permitting a gateway provider to investigate prior to blocking, should we require the gateway provider to indicate what criteria it is using, based on the Enforcement Bureau's notice and its own investigation, in its response to the Commission? Alternatively, should we require that gateway providers, regardless of the specifics of the call pattern, block all calls that purport to originate from the same number(s) as the identified illegal traffic? Is there some other approach that we should consider? What are the risks of each approach? Specifically, what is the risk that lawful calls will be blocked, or that illegal calls will continue from the same source despite the gateway provider's compliance? How can we reduce unnecessary burdens on gateway providers under each approach? Are there any other issues we should consider in determining how a gateway provider may comply with this requirement, such as the impact on small businesses?

60. *Requiring Downstream Providers to Block Calls from Bad-Actor Gateway Providers.* A complementary approach to requiring gateway providers to block calls is to require the voice service provider or intermediate provider downstream from the gateway provider to block where the Commission determines a particular gateway provider is a bad actor. In the *Third Call Blocking Order and Further Notice of Proposed Rulemaking,* we used the phrase ''bad actor'' when discussing originating or terminating providers that fail to take appropriate steps to prevent their networks from being used to originate or transmit illegal calls. Here, we expand our use of that term to include gateway providers that fail to comply with the rules we propose above. This approach provides a strong incentive for the gateway provider to avoid having its traffic blocked by ensuring that it complies with our rules. In the *Third Call Blocking Order and Further Notice of Proposed Rulemaking,* the Commission encouraged, without requiring, such blocking by establishing a safe harbor for terminating voice service providers and intermediate providers that choose to block calls from bad-actor upstream providers once certain criteria are met. In conjunction with our mandatory blocking proposal above, we propose that, should a gateway provider fail to comply with those requirements, the Commission, through its Enforcement Bureau, may send a notice to all providers immediately downstream from the gateway provider in the call path. Upon receipt of such notice, all providers must promptly block all traffic from the identified gateway provider, with the exception of 911 and PSAP calls. We seek comment on this approach.

61. Currently, our rules allow a downstream provider to block and cease accepting all traffic from a bad-actor upstream provider which, upon receipt of Commission notice of illegal traffic, fails to either effectively mitigate that traffic or fails to take steps to prevent new and renewing customers from originating illegal calls. If a gateway provider fails to effectively mitigate illegal traffic, calls continue to reach American consumers, and enforcement only comes after the fact. For these reasons, we believe there is value in requiring the voice service provider or intermediate provider immediately downstream from a gateway provider to block all calls from that gateway provider in the event that the gateway provider fails to effectively mitigate, or block if required, illegal traffic once notified of such traffic by the Commission via the Enforcement Bureau. We seek comment on this view.

62. We seek comment on how much time gateway providers should have to begin effectively mitigating, or blocking, calls before directing downstream providers to block all calls from that gateway provider. Should we require that gateway providers take such steps ''promptly,'' consistent with our existing rules? If we instead adopt a stricter requirement for gateway provider action, should we immediately notify downstream providers to block, or allow additional time before taking that step? If we determine more time is appropriate, how long should we delay our notification to downstream providers? If we use the ''promptly'' standard, how should we determine what is ''prompt'' for these purposes? Should we notify gateway providers before directing downstream providers to block and thereby give the gateway provider an additional chance to mitigate the traffic? What are the costs and benefits of each approach?

63. We seek comment on how much time to permit downstream providers to begin blocking calls from the identified gateway provider. Should we require that the downstream provider begin blocking immediately? Are there any technical or practical barriers to immediate blocking? If so, how can we address them? If we do not require immediate blocking, how much time should we allow? What are the costs and benefits of each approach? Are there any other issues we should consider around timing?

64. We seek comment on how best to notify downstream providers when blocking is required. Where there are multiple providers immediately downstream from the gateway provider, should we directly notify them all? If so, how can we ensure that every relevant provider is notified? Alternatively, should we notify a single entity, such as the industry traceback consortium, and

require that downstream providers work with that entity to obtain this information? If so, does this alter the timeline for compliance? Is there some other approach that would be more appropriate, such as a public notice or use of the Robocall Mitigation Database? We also seek comment on how we can determine whether a downstream provider is complying with this blocking requirement. Should we require the downstream provider to block all calls from the identified gateway provider, or just those that are part of the identified call pattern?

65. Finally, we recognize that blocking of all traffic from a particular gateway provider is likely to have a profound impact on that gateway provider's ability to do business. We therefore seek comment on whether to adopt additional due process steps or requirements to ensure that these rules are not erroneously applied to gateway providers. Is allowing investigation prior to requiring blocking sufficient, or should we adopt additional protections? If we do not allow investigation prior to blocking, should we adopt additional due process protections prior to directing downstream providers to block? Additionally, should we adopt rules to direct downstream providers to cease blocking if the gateway provider later takes appropriate steps to effectively mitigate or block the identified traffic? If so, what should be included in these rules? When would it be appropriate to direct downstream providers to cease blocking? How much time should we allow for this to occur? Should we use the same means of notification? We seek comment on any other issues we should consider in adopting such a requirement, including the impact on small businesses.

66. *Blocking Based on Reasonable Analytics.* Our rules currently permit broad blocking based on reasonable analytics by terminating voice service providers only and, in most cases, require those providers to allow customers to opt out. One-ring scam blocking also uses ''reasonable analytics'' and may be used by any voice service provider or intermediate provider in the call path without requiring any opt-out provisions. However, the use of analytics for one-ring scam calls is more narrowly tailored, designed to identify only one particular type of illegal call. In contrast, the Commission's other authorizations of blocking based on reasonable analytics have permitted terminating voice service providers broad discretion to block unwanted calls or calls that are highly likely to be illegal and are not limited to analytics designed to identify a specific, identified, type of call. The *Fourth Call Blocking Order* expanded the safe harbor for blocking based on reasonable analytics to include network-based blocking without any opt-out requirement where the provider's analytics are designed to identify calls that are ''highly likely to be illegal'' so long as they meet other requirements. In all cases of broad authorizations of blocking based on reasonable analytics, the voice service provider must disclose to customers that it is engaging in this blocking. Because these broad authorizations allow only terminating voice service providers to block calls, only customers of those voice service providers that block calls are protected. In our effort to increase protection for American consumers, we propose to require gateway providers to block calls that are highly likely to be illegal based on reasonable analytics, preventing these calls from entering the U.S. network. We further propose additional requirements around this blocking consistent with our existing authorization of blocking based on reasonable analytics designed to identify calls that are highly likely to be illegal for terminating voice service providers. Specifically, we propose to require gateway providers to: (1) Incorporate caller ID authentication information where available; (2) manage the blocking with human oversight and network monitoring sufficient to ensure that it blocks only calls that are highly likely to be illegal, which must include a process that reasonably determines that the particular call pattern is highly likely to be illegal before initiating blocking of calls that are part of that pattern; (3) cease blocking calls that are part of the call pattern as soon as the gateway provider has actual knowledge that the blocked calls are likely lawful; and, (4) apply all analytics in a non-discriminatory, competitively neutral manner. We seek comment on these proposals.

67. We believe requiring gateway providers to use reasonable analytics to block will increase blocking of illegal calls entering the U.S. network, and will build on the success of current reasonable analytics blocking. We thus believe using the ''highly likely to be illegal'' standard for gateway provider blocking makes sense. We seek comment on this view. We also recognize that a standard with flexibility, such as this one, can result in over- or under-inclusive blocking and that, unlike terminating voice service provider blocking, consumers will have no recourse for erroneous gateway provider blocking.

68. How should we address this potential problem? We propose to require gateway providers to manage the blocking with human oversight and network monitoring sufficient to ensure that only calls that are highly likely to be illegal are blocked. This is consistent with our requirement for terminating voice service providers that block calls that are highly likely to be illegal without consumer opt out. Is this the correct approach? If not, should we require a different process? If so, what would this process look like? Are there steps we could take to otherwise reduce the risk that lawful calls will be blocked? Should we adopt additional requirements to ensure that a gateway provider can be certain that its blocking is within the scope of our rules, rather than under- or over-inclusive? Would a gateway provider that makes use of comparatively conservative blocking analytics be subject to liability for under-blocking? If so, how might we address this issue? Are there any other issues we should consider in taking this approach?

69. Consistent with our existing safe harbor for the blocking of calls based on reasonable analytics, we propose to require gateway providers to incorporate caller ID authentication information, where that information is available, and to ensure that all analytics are applied in a non-discriminatory, competitively neutral, manner. Is this the appropriate approach? Should we modify or remove either of these requirements in this context? If so, how might we change them? We also propose to require that gateway providers cease blocking calls that are part of the call pattern as soon as the gateway provider has actual knowledge that the blocked calls are likely lawful. We believe that this is the best approach to reduce the risk of lawful calls being blocked. We seek comment on this belief. Should we modify our approach in this context? For example, should we require gateway providers to obtain further confirmation that calls are lawful? Or, in contrast to that option, should we require a gateway provider to cease blocking whenever it receives information that particular calls may be lawful? If we take this approach, should we require gateway providers to investigate this information to determine whether it is accurate and, if it is inaccurate, resume blocking?

70. Should we provide further guidance as to what constitutes ''reasonable analytics'' in this context? Other than in the *First Call Blocking Order,* we have declined to establish

specific standards, both out of a concern that such standards will create a road map for bad actors seeking to avoid blocking and to allow flexibility in response to evolving threats. Under the *First Call Blocking Order,* voice service providers, as well as intermediate providers, are permitted to block based on the number in the caller ID field. Specifically, blocking is permitted where the number is unused, unallocated, or invalid, or where the subscriber to the number has indicated that it does not use the number to originate calls and requests that all calls purporting to originate from that number be blocked. However, we want to ensure that a gateway provider has notice as to whether or not it is in compliance with our rules. Are there standards we could adopt here that would provide certainty to gateway providers without allowing bad actors to easily circumvent blocking? Would this approach reduce the burden on small businesses by providing certainty? We further seek comment on whether we should consider bases for blocking other than reasonable analytics and how they would better serve consumers. Are there any other issues we should consider if we set specific standards?

71. *Gateway Provider Do Not Originate.* The Commission has authorized voice service providers (including intermediate providers) to block calls where: (1) The subscriber to the number indicated that that number should never be used to originate calls; (2) the number was unallocated; (3) the number was unused; or, (4) the number was invalid. Voice service providers and intermediate providers need not obtain consumer consent for blocking these calls, as there is no valid reason for these numbers to originate calls. There are at least two do-not-originate list implementations in use by industry that take different approaches to the issue. We seek comment on requiring gateway providers to block calls purporting to originate from numbers on a do-not-originate list.

72. Should we require gateway providers to block calls from numbers on a do-not-originate list? If so, what numbers should be included on the list? The Industry Traceback Group, for example, maintains a ''measured and tightly controlled process'' for adding numbers to the do-not-originate list it operates based on the rules adopted in the *First Call Blocking Order.* Its policies allow for a do-not-originate request from federal and state government entities where the number is legitimately used for inbound calls only, is currently spoofed to perpetrate impersonation-focused fraud, is authorized for participating in the list by the party to which the telephone number is assigned, and is recognized by consumers as belonging to a legitimate entity. Private entities that wish to have numbers added to the list must meet additional requirements. The additional policies for private entities include a thorough vetting process and a requirement that there be ''active and significant fraudulent activity'' involving spoofing. There also may be an administrative charge assessed. Should we take a similar approach for adding numbers to a do-not-originate list? Alternatively, should we take a broader approach and allow any number that should never be originating calls outside the United States to be added by the person or entity to which the number is assigned? Should we include other categories of numbers, such as unused or unallocated numbers? Are there any specific standards or vetting processes we should adopt to ensure that numbers are not added in error? What benefits and risks would each specific approach create? Are there any other factors we should consider in determining what numbers may be added to the list?

73. We seek comment on how we might implement such a list. Who should maintain the list? For example, should it be the maintained by the Commission, the industry traceback consortium, or some other entity? What are the advantages and disadvantages of each approach? Should the list be public or private? If public, how can we ensure that bad actors cannot abuse the list? If private, how can we ensure the security of the list? How might we collect these numbers, and how can we ensure that the costs of collecting, vetting, and maintaining the list are recouped? Should the list be combined with an existing do-not-originate list, such as the Industry Traceback Group's list, or should it be completely separate? Should we adopt a formal process for removing numbers from the list? Are there any approaches that would reduce these costs without eliminating the benefits? Are there any other particular issues we should consider in determining how to implement the list, including the impact on small businesses?

74. *Alternative Blocking Programs.* We seek comment on other potential mandatory blocking programs for gateway providers. Are there any other approaches to mandatory blocking we should consider? If so, what are the specifics of each approach, and what issues should we consider when adopting rules? What benefits would the blocking provide? What risks would the blocking pose, including the risk of blocking lawful calls? What burdens would the blocking pose for gateway providers? Should we consider the approach instead of, or in conjunction with, another type of blocking?

75. *Protections for Lawful Calls.* We believe that all blocking contains some risk of erroneous blocking, *e.g.,* blocking calls that are not illegal. For example, a particular caller's call patterns could look similar enough to the patterns of an illegal caller and a gateway provider, acting in good faith, could believe that the caller is placing illegal calls and thus block them. We seek comment on appropriate transparency and redress options that could accompany mandatory blocking requirements for gateway providers. What transparency and redress requirements should we adopt? Are the requirements we have already adopted sufficient, or are there reasons to adopt additional, or alternative, requirements? Should our transparency and redress requirements vary depending on what blocking approach we adopt? If so, how? Are there steps we should take to reduce issues related to language barriers? Are there any other issues we should consider?

76. We want to be particularly careful of the risk of blocking emergency calls, such as calls to 911, or calls from PSAPs and government emergency outbound numbers. We seek additional comment on protections for public safety calls more broadly elsewhere in this item. We seek comment on how to address these concerns. What is the risk of such calls being blocked under each of our proposals? Should we require that gateway providers never block such calls, or is a different approach more appropriate?

77. *Limitation of Liability for Compliance with Mandatory Blocking.* Aside from the Commission's prior statement that gateway providers may need to block calls in order to comply with the requirement to effectively mitigate illegal traffic, our existing rules generally do not require blocking. Instead, they focus on permitting blocking and ensuring that voice service providers will not be subject to liability under the Act and the Commission's rules when blocking in certain instances. We seek comment on whether, if we adopt mandatory blocking requirements, we should take a similar approach here. Our previous safe harbors were designed to incent blocking by ensuring that providers do not face liability for good faith blocking. Here, blocking would be mandatory. Given this, is there a need for such a safe harbor? Could gateway providers be

subject to liability under the Act or the Commission's rules for steps taken to comply with any of the blocking options we discuss in this FNPRM? If so, what is the source of this liability? Should we provide a blanket safe harbor under the Act and the Commission's rules, or should we limit that protection to actions taken to comply in good faith? If we have a good faith requirement, should we define good faith, and, if so, how? Should gateway providers be required to make a particular showing to demonstrate good faith sufficient to absolve them of liability for inadvertently blocking legal calls? For example, should we require an officer of a gateway provider to certify to the Commission, in the company's Robocall Mitigation Database certification or elsewhere, that they have acted in good faith and complied with our redress requirements? Are there any other issues we should consider?

78. We seek comment on how to determine whether a gateway provider has met its obligation to block under each of these options. As the Commission has previously concluded, ''we do not expect perfection in mitigation.'' To address this concern, should we establish a good faith standard under which a gateway provider making its best, good faith efforts to block is not liable in cases where illegal traffic is not blocked? What would this obligation look like? How might we determine that a gateway provider is acting in good faith rather than willful ignorance? Should we make clear that a gateway provider will not be liable for failing to block where the information is not readily available, or should we adopt a different standard? We seek comment on what information is ''readily available'' to gateway providers at the time of the call. Is certain information available to gateway providers, but too expensive or inconsistently available to be considered ''readily available'' for all or some providers? What information might not be readily available at the time of the call but is readily available after the fact, allowing or requiring gateway providers to mitigate or block the traffic from the same source at a later time? Are there specific criteria we should use to provide regulatory certainty? Are there other issues we should consider?

79. *Compliance Deadline.* We propose to require gateway providers to comply with any mandatory blocking requirement by 30 days after publication of the notice of any Order adopting blocking requirements in the **Federal Register** or the publication of notice of Office of Management and Budget (OMB) approval under the Paperwork Reduction Act (PRA), where appropriate. We seek comment on this proposal. Should we allow additional implementation time for any or all of the proposed blocking requirements? If so, how much of a delay is appropriate and, if so, why?

3. ''Know Your Customer'' Requirements for Gateway Providers

80. Our rules currently require a voice service provider to ''[t]ake affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic.'' This rule generally applies to originating providers and, under our proposed definition, gateway providers do not have a direct relationship with the call originator and instead receive calls from a number of upstream originating or intermediate providers. As a result, gateway providers may not have a ''customer'' to ''know'' for the purpose of complying with a ''know your customer'' requirement. We believe, however, that extending ''know your customer'' obligations to gateway providers could benefit U.S. consumers. First, we propose and seek comment on requiring gateway providers to confirm that a foreign call originator is authorized to use a particular U.S. number that purports to originate the call. We then seek comment on whether, and how, to apply additional ''know your customer'' requirements to gateway providers to reduce the risk of illegal calls entering the U.S. network, including who the gateway provider's ''customer'' should be for this purpose.

81. *Use of U.S. NANP Numbers for Foreign-Originated Calls.* While there are valid reasons for some U.S. numbers to originate calls internationally, spoofing allows a bad-actor foreign caller to appear to a consumer as a U.S.-based entity, making it more likely a U.S. consumer will answer the phone. We propose and seek comment on requiring gateway providers to confirm that a foreign originator is authorized to use the particular U.S. number that purports to originate the call. We further propose to make clear that this requirement applies only when an originator seeks to place a high volume of calls using a U.S. number, and does not apply to traffic consistent with private, individual use.

82. We seek comment on how a gateway provider can best comply with this requirement. Is it feasible for a gateway provider to obtain useful information? If so, can the gateway provider reliably gather this information prior to calls being placed? If so, how? If information is not available until after some calls have been placed, should we instead require the gateway provider to obtain this information within a set amount of time after receiving the first call purporting to originate from a particular U.S. number? How might a gateway provider get this information? How long is appropriate for gathering this information? Should our requirement be based on the number of calls placed, or the time since the first call was placed? We also seek comment on whether there is the possibility for gateway providers to have contractual relationships with call originators, distinct from their position on the call path, such that they will transmit all calls for a particular caller. If so, does this change the feasibility of obtaining useful information? Should any requirement we adopt apply to all gateway providers, or only to gateway providers with contractual relationships with callers, distinct from the relationship between a caller and originating voice service provider?

83. We seek comment on the scope and extent of this requirement. Should we adopt a carve out to ensure that gateway providers do not prevent origination of emergency calls, including calls to 911, calls from PSAPs, or calls from government emergency outbound numbers? If so, what might this look like? In addition, we specifically propose to impose this requirement only where the originator seeks to place a high volume of calls. We seek comment on this proposal. We are concerned about ensuring that individual callers, such as U.S. residents traveling abroad, are not prevented from placing calls using a number to which they are subscribed while in a foreign country. To address this, should the requirement only be triggered after the gateway provider sees a set number of calls purporting to originate from a particular U.S. number? If so, what is the appropriate threshold to constitute a ''high volume'' of calls? Are there other measures we could adopt that would ensure that traffic consistent with individual use does not trigger this requirement without allowing the rule to be circumvented by clever callers? Are there any other issues we should consider?

84. *Upstream Provider as the ''Customer.''* Alternatively, should we impose a requirement similar to the rule adopted in the *Fourth Call Blocking Order,* and require gateway providers to take steps to know the upstream providers from which they receive

traffic and prevent those providers from originating illegal traffic onto the U.S. network? While at least a step removed from the call originator, the provider upstream from a particular gateway provider does have a direct relationship with that gateway provider. As a result, it is more likely for a gateway provider to have ready access to information about that upstream provider. We therefore seek comment on defining the provider immediately upstream from the gateway provider to be the gateway provider's ''customer.'' If we adopt this definition, what should the gateway provider ''know'' to be able to reasonably claim it ''knows'' this ''customer''? Should we limit our requirement to information readily available to the gateway provider, or should we require additional information that may be more difficult for a gateway provider to obtain? What information would provide the most benefit in stopping illegal calls? Is such information readily available to the gateway provider? If not, what costs or challenges might the gateway provider face in obtaining this information? Are there ways we could reduce or eliminate these costs or complications? What should a gateway provider be required to do with this information? For example, should we require gateway providers to cease accepting traffic from upstream providers that meet certain criteria? Should this requirement only apply to foreign-originated calls that use a U.S. number in the caller ID field? How does this approach compare to the approach of considering the call originator the ''customer'' discussed further below? Are there any other technical, legal, or policy considerations we should pay particular attention to if we define the customer as the upstream provider, including the impact on small businesses?

85. *Call Originator as the ''Customer.''* Alternatively, should we consider the call originator the gateway provider's ''customer'' for purposes of such a requirement? We believe that the originator, as the entity placing the calls, is probably the most relevant ''customer'' for the purpose of stopping illegal calls. Unfortunately, the gateway provider, in many cases, may have no direct relationship with the originator, making it significantly more difficult to obtain information. We seek comment on considering the call originator the ''customer'' for purposes of a know-your-customer requirement. What would be sufficient for a gateway provider to reasonably claim that it ''knows'' this ''customer''? What are the barriers to gateway providers obtaining necessary information from originators and how could we address those barriers? How does this approach compare to the approach of considering the upstream provider the ''customer,'' discussed above? Are there any other technical, legal, or policy considerations we should pay particular attention to if we define the customer as the call originator?

86. *Compliance Deadline.* We propose to require gateway providers to comply with ''know-your-customer'' requirements by 30 days after publication of the notice of any Order adopting such a requirement in the **Federal Register**. We seek comment on this proposal. Is there any need to delay compliance? If so, why and how much time do gateway providers reasonably need to comply?

4. Contractual Provisions

87. The NANC and industry stakeholders have recommended that gateway providers require their customers to adopt contractual provisions that would help mitigate illegal robocalling. We seek comment on whether, in light of increased risk of foreign-originated illegal robocall campaigns and the critical role gateway providers play in allowing such calls to reach the U.S. market, we should require gateway providers to adopt specific contractual provisions addressing robocall mitigation with foreign providers from which the gateway provider directly receives traffic carrying U.S. NANP numbers, and, in some cases, traffic from their foreign-end user customers (collectively for purposes of this subsection, foreign partners). Under our proposed definition of gateway provider above, a U.S.-based provider would fall outside of the definition of gateway provider if it is not also acting as an intermediate provider with respect to a particular call. Consistent with that definition, we are also seeking comment on imposing mandatory contractual obligations on gateway providers where they have entered into contracts with foreign end-user customers to accept their traffic into the U.S, marketplace. To the extent we adopt a broader definition of gateway provider to include those instances where the U.S.-based provider originates calls outside of the U.S. and the U.S.-based provider is not acting as an intermediate provider, we also seek comment on whether we should apply mandatory contractual provisions in those cases. What are the benefits and costs of requiring such contractual amendments?

88. We seek comment on what specific contractual provisions, if any, we should require. Should we require gateway providers to ensure by contract that their foreign partners validate that the calling party is authorized to use the U.S. NANP telephone numbers, for calls with such numbers in the caller ID display? Are we correct in anticipating that if a foreign partner cannot validate the number, there is a significant risk that the number is being spoofed and is therefore likely to be involved in an illegal robocalling campaign? How should we address circumstances in which the foreign partner cannot validate the number on its own? For instance, should we require the gateway provider to require foreign partners by contract to use a third-party telephone number validation service? Should we require gateway providers to ensure that their foreign partners employ know-your-customer practices, and if so should we mandate requiring specific know-your-customer practices? Should we require gateway providers to contractually obligate foreign partners to submit a certification to the Robocall Mitigation Database? We seek comment on what similar contractual provisions providers already have in place, their effectiveness in stopping illegal robocall traffic, and how widespread they are.

89. We seek comment on implementation of any requirement to adopt specific contractual provisions. Should we expand, contract, or alter the scope of foreign partners with which we would require gateway providers to enter into specific contractual provisions? What steps, if any, should we require gateway providers to take to ensure that foreign partners are living up to their contractual commitments? Should we require gateway providers to impose specific consequences, such as a refusal to accept traffic, on foreign partners that fail to live up to any required contractual provisions? What consequences should we impose a gateway provider that fails to enter into or enforce any required contractual provisions?

90. Consistent with the other mitigation obligations proposed in this FNPRM, we propose to require gateway providers comply with any contractual provisions 30 days after the effective date of an Order adopting such requirements. We seek comment on this proposal. We also seek comment on whether such a period provides sufficient time to comply with such obligations with respect to existing contracts in order to negotiate contractual amendments with foreign partners. Should we modify the deadline for certain classes of providers based on their burden or the benefit that would result in those classes'

compliance with the rule? Should we consider any other issues in setting a compliance deadline?

5. General Mitigation Standard

91. In addition to the specific mitigation requirements for which we seek comment above, we also propose to require gateway providers to meet a general obligation to mitigate illegal robocalls. Robocallers have shown that they can adapt to specific safeguards targeting illegal traffic. A general obligation can serve as an effective backstop to ensure that robocallers cannot evade any granular requirements we adopt. In the *Second Caller ID Authentication Report and Order,* the Commission required those voice service providers subject to a robocall mitigation requirement to take ''reasonable steps to avoid originating illegal robocall traffic,'' and established that a robocall mitigation program is sufficient if it ''includes detailed practices that can reasonably be expected to significantly reduce the origination of illegal robocalls'' and the provider ''compl[ies] with the practices it describes.'' The Commission stated that a program is ''insufficient if a provider knowingly or through negligence serves as the originator for unlawful robocall campaigns.'' We believe imposing an analogous requirement on gateway providers would provide a valuable backstop and help reduce the likelihood that illegal robocalls might make their way to U.S. consumers. Under this approach, gateway providers would be required to take reasonable steps to avoid transiting illegal robocall traffic. What would be the benefits and drawbacks of doing so? What would constitute ''reasonable steps'' in this context, aside from any of the actions proposed in this FNPRM? Would the consistency of obligations between gateway providers and voice service providers facilitate innovation and development of novel, effective robocall mitigation techniques? Would it ease compliance? Is a standards-based approach sufficient to address the difficult task of mitigating foreign-originated illegal robocalls? Should we adopt a standards-based approach but establish a different standard for effective robocall mitigation for gateway providers? What should that standard be? Does a standards-based approach make compliance more difficult, particularly for small entities that may less easily be able to identify appropriate practices?

92. Instead of establishing a general mitigation standard based on the standard in the *Second Caller ID Authentication Report and Order,* should we instead adopt a general standard by building upon the obligation in the *Fourth Call Blocking Order* for voice service providers (including intermediate providers) to mitigate robocall traffic by adopting ''affirmative, effective measures to prevent new and renewing customers from using their network to originate illegal calls''? This duty differs in certain respects from the duty for voice service providers subject to a robocall mitigation requirement to take ''reasonable steps to avoid originating illegal robocall traffic.'' For example, there is no duty for gateway providers to take action with respect to existing customers. Should we establish a general mitigation obligation for gateway providers based on a modified version of this duty? What should those modifications be? Should we require gateway providers to take affirmative, effective measures to prevent *current,* new, and renewing customers from using their network to *transit* illegal calls? Are other modifications appropriate? Instead or in addition to making such modifications, should we provide additional guidance to gateway providers about what measures would be deemed ''affirmative'' and ''effective''? What should that guidance be?

93. We seek comment on an appropriate deadline for any general mitigation standard we adopt. We believe that any compliance deadline we adopt should, at a minimum, be consistent with the time and effort necessary to implement the standard, balanced against the public benefit that will result in rapid implementation of the standard. We therefore urge commenters proposing a standard to propose a specific deadline consistent with these principles.

E. Robocall Mitigation Database

94. We propose to require gateway providers to submit a certification to the Robocall Mitigation Database describing their robocall mitigation practices and stating that they are adhering to those practices. We also take this opportunity to address other issues related to the Robocall Mitigation Database that are not specifically related to gateway providers. First, we seek comment on revisions to the information that filers must submit to the Robocall Mitigation Database. Second, we clarify the obligations of voice service providers and intermediate providers with respect to calls to and from PSAPs and other emergency services providers.

95. *Gateway Providers.* While we declined to impose a filing requirement on intermediate providers that had no robocall mitigation obligations in the *Second Caller ID Authentication Report and Order,* we believe that requiring gateway providers to do so now in conjunction with any new robocall mitigation obligations we adopt is appropriate and situates gateway providers consistently with voice service providers under our STIR/SHAKEN rules. We seek comment on our proposal to require gateway providers to submit a certification. We anticipate that requiring certification will encourage compliance and facilitate enforcement efforts and industry cooperation to address problems. We also anticipate that a registration requirement would not be more costly for gateway providers than voice service providers. We seek comment on this analysis. Are there additional benefits of requiring registration? Do gateway providers face additional costs compared to voice service providers that we should consider? Rather than require gateway providers to file in the Robocall Mitigation Database, should we instead impose some other filing obligation? What would that obligation be?

96. We propose requiring gateway providers to submit the same information that voice service providers must submit under Commission rules. Specifically, we propose requiring gateway providers to certify to the status of STIR/SHAKEN implementation and robocall mitigation on their networks; submit contact information for a person responsible for addressing robocall mitigation-related issues; and describe in detail their robocall mitigation practices. In the alternative, we seek comment on whether to alter or remove any of these obligations as applied to gateway providers, and whether gateway providers should submit any additional information beyond the information required from originating and terminating voice service providers. If we adopt specific robocall mitigation requirements, should we relieve gateway providers of the obligation to describe their robocall mitigation practices? Would this belt-and-suspenders approach to certification only add compliance costs with limited benefit? If we did not require gateway providers to describe their robocall mitigation practices, should they be required to submit any alternative information? If so, what should that be? We seek comment on any modifications we should make to the filing process for those gateway providers that are also voice service providers.

97. Similar to our recently proposed rules for VoIP direct access applicants, should we require gateway providers to ''inform the Commission'' through an

update to the Robocall Mitigation Database filing, if the gateway provider is ''subject . . . to a Commission, law enforcement, or regulatory agency action, investigation, or inquiry due to its robocall mitigation plan being deemed insufficient or problematic, or due to suspected unlawful robocalling or spoofing . . .'' ? We propose that information in any gateway provider certification would also be subject to the existing duty to update that certification within 10 business days, ensuring that the information is kept up to date. Is another time period appropriate for some or all of the information we require? Should we establish a materiality threshold for circumstances in which an update is necessary, and if so what threshold should we set?

98. We propose to extend the prohibition on accepting traffic from unlisted providers to gateway providers. Under this proposal, intermediate providers and terminating voice service providers would be prohibited from accepting traffic from a gateway provider not listed in the Robocall Mitigation Database. We believe that a gateway provider Robocall Mitigation Database filing requirement and an associated prohibition against accepting traffic from gateway providers not in the Robocall Mitigation Database will ensure regulatory symmetry between voice service providers and gateway providers and underscore the key role gateway providers play in stemming illegal robocalls. We seek comment on that conclusion and this proposal. Taking into consideration the time between the effective date of the prohibition on voice service providers (September 28, 2021) from accepting traffic from other unlisted voice service providers and the comment due date of this FNPRM, is there any preliminary evidence that the prohibition has been beneficial in the ways the Commission envisioned? We also propose that this prohibition should go into effect 90 days following the effective date of the requirement for gateway providers to submit a certification to the Robocall Mitigation Database. Ninety days between the effective date of the filing obligation and the beginning of the requirement to reject traffic from non-filers is the same time period as that adopted in the *Second Caller ID Authentication Report and Order* for voice service providers. We seek comment on providers' experience with that 90-day timeframe and whether it would be appropriate in this instance. Should we set a shorter time period to ensure Americans benefit from this scheme sooner? Or do voice service providers and intermediate providers need additional time, beyond 90 days, to come into compliance with any blocking obligation and, if so, why? How, if at all, should we tailor the information that gateway providers must submit to the Robocall Mitigation Database to ensure that a downstream provider has sufficient information to know whether to block calls depending on the call-by-call ''role'' of the upstream provider? For example, if an upstream provider is acting as a gateway provider for a call and has submitted a certification as a voice service provider to the Robocall Mitigation Database, but has not submitted its certification as a gateway provider, what information does that downstream provider need to know to block the call under our proposed rule if and when it becomes effective?

99. In line with our proposals above to require gateway providers to implement mitigation requirements by 30 days after publication of the notice of an Order adopting this requirement in the **Federal Register**, we propose to require gateway providers to submit a certification to the Robocall Mitigation Database by that same date and to thereafter amend such certification of compliance to attest to STIR/SHAKEN compliance by the deadline established in this proceeding, subject to publication in the **Federal Register** of notice of approval by OMB of any associated PRA obligations. We seek comment on this approach and any alternatives. For example, should we instead require gateway providers submit an interim certification by an earlier date so that the Commission and the general public know the status of gateway providers' STIR/SHAKEN implementation? Would the benefits of requiring an additional interim filing outweigh the burdens? What other considerations should we take into account in setting any filing deadlines?

100. *Identifying Information for All Filers.* We take this opportunity to seek comment on whether we should require Robocall Mitigation Database filers—including voice service providers and, if required, gateway providers—to submit additional identifying indicia, such as a Carrier Identification Code, Operating Company Number, and/or Access Customer Name Abbreviation. We anticipate that requiring some additional identifying information may ease compliance by facilitating searches within the Robocall Mitigation Database and cross-checking information within the Robocall Mitigation Database against other sources. Do commenters agree? If so, what additional information should we require? What are the benefits and costs of such a requirement? We recognize that as of the date we adopt this FNPRM, a large number of voice service providers have already filed in the Robocall Mitigation Database, and requiring any additional information would require these providers to revise their filings. As we have explained, to date, approximately 4,948 voice service providers have submitted information into the Robocall Mitigation Database. Additionally, we realize that the September 28 blocking deadline has passed and that the identifying information we seek comment on may not be as useful as it would have been prior to this deadline. Based on these facts, does the benefit of requiring additional information nonetheless outweigh the burden of asking such a high number of voice service providers to refile? If not, should we consider applying this requirement on a prospective-only basis? Would this approach still have benefit even if only some filers submitted this information? Are there any categories of filer, such as foreign voice service providers that use NANP resources that pertain to the United States, that are unlikely to have this identifying information? If so, how should any new requirements address these filers? Alternatively, should we consider making the submission of this additional information voluntary to avoid a refiling requirement and account for filers that do not possess the information? Or would submission on a voluntary basis provide little benefit? If we require submission of additional information by some or all filers, what deadline for filing should we set?

101. *Public Safety Calls.* We take this opportunity to clarify that even if a voice service provider (or, if we adopt our proposal in today's FNPRM, a gateway provider) is not listed in the Robocall Mitigation Database, other voice service providers and intermediate providers in the call path must make all reasonable efforts to avoid blocking calls from PSAPs and government outbound emergency numbers. Additionally, consistent with the Commission's previous statement that its call-blocking rules ''do not authorize the blocking of calls to 911 under any circumstances,'' calls to 911 must not be blocked, even if originated by a voice service provider not in the Robocall Mitigation Database or otherwise subject to blocking. And as regards outbound emergency calls, we reiterate the Commission's position that all voice service providers and intermediate providers ''must make all reasonable efforts to ensure that calls from PSAPs and government outbound

emergency numbers are not blocked.'' We adopt this clarification to ensure completion of emergency calls and to clarify that the scope of the exception for emergency calls is identical between our call blocking rules and our rules prohibiting acceptance of traffic from voice service providers not listed in the Robocall Mitigation Database.

102. We seek comment on whether we should modify our rules to reflect this clarification. We also seek comment on whether we should expand upon our clarification. Does our clarification contain any ambiguities that we should address, and if so how should we address them? For example, should we make clear what ''reasonable efforts'' we expect voice service providers and intermediate providers to take to ensure completion of outbound emergency calls? If so, what specific steps should we require? Would prohibiting providers from blocking calls on a ''whitelist'' of public safety numbers be effective, or would it instead provide a roadmap for bad actors to exploit? We note that the Commission has previously declined to adopt such a list, finding that it ''would likely to do more harm than good.'' We seek comment on whether circumstances have changed since the Commission's prior decision that would make this option more viable. Are there fewer concerns for such a list in the context of gateway providers? Are there other ways bad actors could exploit this emergency exception to originate illegal robocalls, either directed at PSAPs (because calls to 911 may not be blocked) or directed to the general public by posing as emergency callers (because providers must make all reasonable efforts to ensure that calls from PSAPs and government outbound emergency numbers are not blocked)? If so, what steps can we take to minimize that threat while ensuring the vital goal of emergency call completion? How should we account for emergency calls if we require gateway providers to file in the Robocall Mitigation Database? Are emergency calls to U.S. PSAPs likely to originate abroad? We also propose that any calls to and from PSAPs and government outbound emergency numbers that may be otherwise subject to mandatory call blocking duties adopted pursuant to this FNPRM should be subject to the same emergency call exception and clarification that we adopt today, as well as any further clarifications that we adopt pursuant to the questions above, and we seek comment on this proposal.

F. Alternative Approaches

103. We seek comment on alternative approaches to stop illegal foreign-originated robocalls. This FNPRM proposes imposing obligations on gateway providers because they are in the unique position of acting as the conduit for all foreign-originated calls. We anticipate that rules focused on gateway providers would be the most efficient and effective way to prevent illegal robocalls from reaching U.S. consumers and businesses from abroad. At the same time, we want to explore all available options and thus seek comment on whether we should instead pursue alternative approaches to enhancing our rules to target foreign-originated robocalls.

104. We first seek comment on strengthening our prohibition on U.S.-based providers accepting traffic carrying U.S. NANP numbers that is received ''directly from'' foreign voice service providers that are not in the Robocall Mitigation Database. By its terms, this rule does not require U.S.-based providers to reject foreign-originated traffic carrying U.S. NANP numbers that is received by a U.S. provider directly from a foreign intermediate provider—at present, the prohibition only applies to traffic received directly from the originating foreign provider. Some have argued that this loophole allows a significant portion of foreign-originated robocall traffic carrying U.S. NANP numbers to reach the U.S. outside of the prohibition. We seek comment on whether this is the case and, if so, whether we should expand the prohibition and require U.S.-based providers to reject traffic carrying U.S. NANP numbers directly from *any* foreign provider not in the Robocall Mitigation Database. What are the benefits and burdens of this approach? Should we require U.S.-based providers to ensure that foreign intermediate providers comply with specific robocall mitigation practices, such as know-your-customer practices, and describe in their certifications the specific robocall mitigation practices they have implemented? Are most foreign intermediate providers also originating and exchanging traffic with U.S. NANP numbers directly with U.S. providers, indicating that most foreign providers are already covered under the current prohibition? 609 foreign voice service providers have already filed in the Robocall Mitigation Database. We seek comment on what percentage of foreign providers currently subject to the prohibition this represents, compared to the percentage of foreign providers that would be subject to our proposed expanded prohibition. If we expand the prohibition to encompass foreign intermediate providers, what compliance deadline should we set?

105. Conversely, should we limit or eliminate the foreign provider prohibition rather than expand it? Some argue that the compliance burden of the current rule on foreign voice service providers is significant, that many providers did not register by the deadline, and therefore there is a significant risk that domestic providers will unnecessarily block foreign-originated calls. We seek comment on the validity of these assertions and whether a rule expansion would compound those burdens and risks. Others argue that, at a minimum, foreign voice service providers needed additional time to submit a certification to the Robocall Mitigation Database. If the burdens of the current rule are large and the benefits small, should we consider eliminating the current rule, particularly if we adopt effective measures for gateway providers to stop illegal robocall traffic from entering the U.S. market?

106. In light of the unique difficulties foreign service providers may face in timely registering with the Commission's new Robocall Mitigation Database, the fact that the foreign provider prohibition can be evaded by transmitting traffic via one or more foreign intermediate providers, and in order to avoid the potential disruption associated with such delays while permitting the Commission to explore these potentially more effective measures, we conclude that the public interest will be served by not enforcing the foreign provider prohibition during the pendency of this proceeding. While ZipDX suggests a ''narrower deferment'' that would allow enforcement if a foreign provider is responsible for a ''significant or on-going illegal robocalling activity,'' we decline taking such an approach because it would involve engaging in a line-drawing exercise for which we do not have sufficient guidance and data and ZipDX does not suggest a specific, administrable approach. We anticipate that we will make a final decision regarding whether to eliminate, retain, or enhance the foreign provider prohibition as part of our larger consideration of how best to address illegal robocalls originating abroad in the order issued pursuant to this FNPRM. Therefore, until that time, domestic voice service providers and intermediate providers may accept traffic carrying U.S. NANP numbers sent directly from foreign voice service

providers not listed in the Robocall Mitigation Database.

G. Expected Benefits and Costs

107. As noted above, a large portion of illegal robocalls originate abroad, and that share may be growing. We therefore anticipate that the benefits of our proposals will far outweigh the costs imposed on gateway providers.

108. As to expected benefits, the Commission found in the *First Caller ID Authentication Report and Order and Further Notice of Proposed Rulemaking* that widespread deployment of STIR/SHAKEN will increase the effectiveness of the framework for both voice service providers and their subscribers, producing a potential benefit of at least $13.5 billion annually due to the reduction in nuisance calls and fraud. In addition, the Commission identified many non-quantifiable benefits, such as restoring confidence in incoming calls and reliable access to emergency and healthcare communications.

109. We anticipate that the impact of our proposals, including the deterrence that arises from authenticating unauthenticated foreign-originated calls, will account for a large share of that $13.5 billion benefit because of the significant share of illegal calls originating outside our country. While each of the proposed requirements on their own may not fully accomplish that goal, viewed collectively, we expect that they will achieve a large share of the $13.5 billion minimum benefit. We seek comment on this analysis and on the possible benefits of the requirements we propose.

110. We believe that the costs imposed on gateway providers by our proposed changes, at least some of which are likely minimal, will be far exceeded by the expected benefits. For example, many intermediate providers that would be classified as gateway providers under our proposed definition are already voice service providers and have already implemented or are required to soon implement STIR/SHAKEN authentication on their networks. Moreover, as the Commission stated in the *First Caller ID Authentication Report and Order and Further Notice of Proposed Rulemaking,* an overall reduction in illegal robocalls will greatly lower providers' network costs by eliminating both the unwanted traffic congestion and the labor costs of handling numerous customer complaints. We therefore believe that the proposals in this FNPRM would impose only minimal short-term costs on gateway providers while lowering long-term network costs for gateway providers and other domestic service providers. We seek comment on this analysis and whether it remains valid in light of industry experience in implementing STIR/SHAKEN and the Commission's various blocking regimes? Is it equally applicable to gateway providers? We also seek detailed comment on the potential costs associated with each proposal. Will these costs vary according to the size of the provider? Does the benefit of each proposal outweigh its cost? How do the proposed compliance deadlines for each requirement and possible alternative deadlines affect the benefits and costs?

111. *Digital Equity and Inclusion.* The Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed herein. Section 1 of the Communications Act of 1934, as amended, provides that the FCC ''regulat[es] interstate and foreign commerce in communication by wire and radio so as to make [such service] available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex.'' The term ''equity'' is used here consistent with Executive Order 13985 as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. Specifically, we seek comment on how our proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

H. Legal Authority

112. We propose to adopt the foregoing obligations pursuant to the legal authority we relied upon in prior caller ID authentication and call blocking orders.

113. *Caller ID Authentication.* We propose to find authority to impose caller ID authentication obligations on gateway providers under section 251(e) of the Act and the Truth in Caller ID Act. In the *Second Caller ID Authentication Report and Order,* the Commission found it had the authority to impose caller ID authentication obligations on intermediate providers under these provisions. It reasoned that ''[c]alls that transit the networks of intermediate providers with illegally spoofed caller ID are exploiting numbering resources'' and so found authority under section 251(e). And it found additional, independent authority under the Truth in Caller ID Act on the basis that such rules were necessary to ''prevent . . . unlawful acts and to protect voice service subscribers from scammers and bad actors,'' and it stressed that intermediate providers ''play an integral role in the success of STIR/SHAKEN across the voice network.'' While that *Order* did not specifically discuss gateway providers, we propose to conclude that we can impose an authentication obligation on gateway providers on the same basis. Indeed, we propose to define gateway providers as a subset of intermediate providers; thus, we tentatively conclude that the *Second Caller ID Authentication Report and Order* already accounted for the actions we propose today. We seek comment on this proposal. Should we revisit the Commission's earlier conclusion that it has authority to place these obligations on intermediate—including gateway—providers? Are there other sources of authority, including the TRACED Act, that we could invoke to impose our caller ID authentication rules on gateway providers?

114. *Robocall Mitigation and Call Blocking.* We propose to adopt our robocall mitigation and call blocking provisions on gateway providers pursuant to sections 201(b), 202(a), 251(e), the Truth in Caller ID Act, the TRACED Act, and, where appropriate, our ancillary authority, consistent with the authority we invoked to adopt analogous rules in the *Second Caller ID Authentication Report and Order* and our *Call Blocking Orders.* We seek comment on this proposal.

115. In the *Second Caller ID Authentication Report and Order,* the Commission concluded ''section 251(e) gives us authority to prohibit intermediate providers and voice service providers from accepting traffic from both domestic and foreign voice service providers that do not appear in [the Robocall Mitigation Database],'' noting that its ''exclusive jurisdiction over numbering policy provides authority to take action to prevent the

fraudulent abuse of NANP resources.'' The Commission observed that ''[i]llegally spoofed calls exploit numbering resources whenever they transit any portion of the voice network—including the networks of intermediate providers'' and that ''preventing such calls from entering an intermediate provider's or terminating voice service provider's network is designed to protect consumers from illegally spoofed calls.'' The Commission also found that the Truth in Caller ID Act provided additional authority for our actions to protect voice service subscribers from illegally spoofed calls. We propose to conclude that section 251(e) and the Truth in Caller ID Act authorize us to prohibit intermediate providers and voice service providers from accepting traffic from gateway providers that do not appear in the Robocall Mitigation Database. The Commission also relied on the TRACED Act in adopting mitigation duties for voice service providers and we propose to conclude that it authorizes us to require voice service providers to submit additional information to the Robocall Mitigation Database.

116. In the *Fourth Call Blocking Order,* the Commission required voice service providers ''to take affirmative, effective measures to prevent new and renewing customers from originating illegal calls,'' which includes a duty to ''know'' their customers. Additionally, the Commission required voice service providers, including intermediate providers, to ''take steps to effectively mitigate illegal traffic when notified by the Commission,'' which may require blocking when applied to gateway providers. The Commission also adopted traceback obligations. The Commission concluded that it had the authority to adopt these requirements pursuant to sections 201(b), 202(a), and 251(e) of the Act, as well as the Truth in Caller ID Act and its ancillary authority. Sections 201(b) and 202(a) provide the Commission with ''broad authority to adopt rules governing just and reasonable practices of common carriers.'' Accordingly, the Commission found that the new blocking rules were ''clearly within the scope of our section 201(b) and 202(a) authority'' and ''that it is essential that the rules apply to all voice service providers,'' applying its ancillary authority in section 4(i). The Commission also found that section 251(e) and the Truth in Caller ID Act provided the basis ''to prescribe rules to prevent the unlawful spoofing of caller ID and abuse of NANP resources by all voice service providers,'' a category that includes VoIP providers and, in the context of our call blocking orders gateway providers. We believe that these same statutory provisions authorizing our current mitigation and blocking rules support the mandatory mitigation and blocking obligations we propose to impose on gateway providers here. Are there additional sources of authority that we should consider?

117. We propose to find additional authority in section 7 of the TRACED Act. The Commission initiated a rulemaking to ''help protect a subscriber from receiving unwanted calls or text messages from a caller using an unauthenticated number'' in the *Third Call Blocking Order and Further Notice of Proposed Rulemaking* but declined to take further action in the *Fourth Call Blocking Order.* We believe that several of the proposals we make today would have the effect of protecting consumers from unwanted calls from unauthenticated numbers. In particular, we believe that our mandatory blocking and ''know-your-customer'' proposals would further these goals. We seek comment on this belief. Is this an appropriate use of the authority granted in TRACED Act section 7? What should we consider, including the considerations listed in section 7(b) of the TRACED Act, in determining whether any rules we adopt are consistent with our authority under that section?

118. While we propose to conclude that our direct sources of authority provide an ample basis to adopt our proposed rules on all gateway providers, we believe that our ancillary authority in section 4(i) provides an independent basis to do so with respect to gateway providers that have not been classified as common carriers, and we seek comment on this view. We anticipate that the proposed regulations are ''reasonably ancillary to the Commission's effective performance of its . . . responsibilities.'' Specifically, gateway providers interconnected with the public switched telephone network and exchanging IP traffic clearly constitutes ''communication by wire and radio.'' We believe that requiring gateway providers to comply with our proposed rules is reasonably ancillary to the Commission's effective performance of its statutory responsibilities under section 152(a), as well as reasonably ancillary to our exercise of authority under sections 201(b), 202(a), 251(e), and the Truth in Caller ID Act as described above. With respect to sections 201(b) and 202(a), absent application of our proposed rules to gateway providers that are not classified as common carriers, originators of international robocalls could circumvent our proposed scheme by sending calls only to such gateway providers to reach the U.S. market. We seek comment on this analysis.

119. *Indirect Effect on Foreign Service Providers.* We propose to conclude that, to the extent any of the rules we seek to adopt today have an effect on foreign service providers, that effect is only indirect and therefore consistent with the Commission's authority. In the *Second Caller ID Authentication Report and Order,* the Commission acknowledged an indirect effect on foreign providers but concluded that it was permissible under past Commission precedent confirmed by the courts. This includes the authority, pursuant to section 201, for the Commission to require U.S. providers to modify their contracts with a foreign provider with respect to ''foreign communication'' to ensure that the charges and practices are ''just and reasonable.'' We seek comment on whether any of our proposed rules exceed the scope of our jurisdiction over foreign communications that enter the United States. We also seek comment on whether any of our proposed rules would be contrary to any of our international treaty obligations, other international laws and rules, or create a risk of foreign retaliation.

IV. Initial Regulatory Flexibility Analysis

120. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this FNPRM. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the FNPRM. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

121. In order to continue the Commission's work combating illegal calls, this FNPRM proposes to impose several obligations on gateway providers. Specifically, the FNPRM proposes to require gateway providers to authenticate and employ robocall

mitigation techniques on all SIP calls that they allow into the United States from abroad that display a U.S. number in the caller ID field. The FNPRM also proposes that gateway providers should engage in robocall mitigation by (1) responding to all traceback requests from the Commission, law enforcement, and the industry traceback consortium within 24 hours; (2) complying with mandatory call blocking requirements; (3) complying with enhanced know-your-customer obligations; (4) complying with a general duty to mitigate illegal robocalls; and (5) filing a certification in the Robocall Mitigation Database. The Commission also proposes one blocking requirement for intermediate and terminating providers immediately downstream from the gateway provider, which would require those providers to block all traffic from a gateway provider that fails to block or effectively mitigate illegal traffic when notified of such traffic by the Commission.

B. Legal Basis

122. The FNPRM proposes to find authority largely under those provisions through which it has previously adopted rules to stem the tide of robocalls in its *Call Blocking* and *Call Authentication Orders.* Specifically, the FNPRM proposes to find authority under sections 201(a) and (b), 202(a), 251(e), the Truth in Caller ID Act, the TRACED Act and, where appropriate, ancillary authority. The FNPRM also proposes to conclude that, to the extent any of the rules we seek to adopt today have an effect on foreign service providers, that effect is only indirect and therefore consistent with the Commission's authority. The FNPRM solicits comment on these proposals.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

123. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules and by the rule revisions on which the Notice seeks comment, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

1. Wireline Carriers

124. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

125. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated for the entire year. Of that total, 3,083 operated with fewer than 1,000 employees. Thus under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

126. *Incumbent LECs.* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated the entire year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by our actions. According to Commission data, one thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees. Thus, using the SBA's size standard the majority of incumbent LECs can be considered small entities.

127. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers and under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on these data, the Commission concludes that the majority of Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. Also, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

128. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small-business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees) and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent

LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

129. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a small business size standard specifically for Interexchange Carriers. The closest applicable NAICS Code category is Wired Telecommunications Carriers. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 indicate that 3,117 firms operated for the entire year. Of that number, 3,083 operated with fewer than 1,000 employees. According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities.

130. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended (the Act), also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' As of 2018, there were approximately 50,504,624 cable video subscribers in the United States. Accordingly, an operator serving fewer than 505,046 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Therefore we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under *the* definition in the Act.

131. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to other toll carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of other toll carriers can be considered small.

2. Wireless Carriers

132. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

133. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018 there are 265 Cellular licensees that will be affected by our actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

134. *Satellite Telecommunications.* This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules. For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of less than $25 million. Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

3. Resellers

135. *Local Resellers.* The SBA has not developed a small business size standard specifically for Local Resellers. The SBA category of Telecommunications Resellers is the closest NAICs code category for local resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA's size

standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data from 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale services. Of these, an estimated 211 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that the majority of local resellers are small entities.

136. *Toll Resellers.* The Commission has not developed a definition for Toll Resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. MVNOs are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. 2012 Census Bureau data show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

137. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business definition specifically for prepaid calling card providers. The most appropriate NAICS code-based category for defining prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual networks operators (MVNOs) are included in this industry. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards. All 193 carriers have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by these rules.

4. Other Entities

138. *All Other Telecommunications.* The ''All Other Telecommunications'' category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry. The SBA has developed a small business size standard for ''All Other Telecommunications'', which consists of all such firms with annual receipts of $35 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999. Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

139. The FNPRM proposes to impose several obligations on gateway providers, many of whom may be small entities. Specifically, we propose to require gateway providers to authenticate and employ robocall mitigation techniques on all SIP calls that they allow into the United States from abroad that display a U.S. number in the caller ID field. The FNPRM also proposes that gateway providers should engage in robocall mitigation by (1) responding to all traceback requests from the Commission, law enforcement, and the industry traceback consortium within 24 hours; (2) complying with mandatory call blocking requirements; (3) complying with enhanced know-your-customer obligations; (4) complying with a general duty to mitigate illegal robocalls; and (5) filing a certification in the Robocall Mitigation Database. The FNPRM also proposes one blocking requirement for intermediate and terminating providers immediately downstream from the gateway provider, which would require those providers to block all traffic from a gateway provider that fails to block or effectively mitigate illegal traffic when notified of such traffic by the Commission. This proposal may also cover small entities.

E. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

140. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

141. The FNPRM seeks comment on the particular impacts that the proposed rules may have on small entities. The FNPRM seeks comment on whether the costs of the proposed gateway provider authentication requirement may vary by provider, including those providers that have not yet implemented STIR/SHAKEN, such as small voice service providers. The FNPRM also seeks

comment on the burdens on ''small gateway providers'' of a 24-hour traceback requirement. It also seeks comment on the impact on small businesses whose traffic may be blocked under our proposed blocking rules and know your customer obligations. The FNPRM also seeks comment on whether a general mitigation approach may make compliance more difficult for small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

142. None.

V. Procedural Matters

143. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules addressed in this FNPRM. Written public comments are requested on the IRFA. Comments must be filed by the deadlines for comments on the FNPRM indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the SBA.

144. *Paperwork Reduction Act.* The FNPRM contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

145. *Ex Parte Presentations—Permit-But-Disclose.* The proceeding this FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

VI. Ordering Clauses

146. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 217, 227, 227b, 251(e), 303(r), 403, that this Further Notice of Proposed Rulemaking *is adopted.*

147. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference information Center, SHALL SEND a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis (IRFA), to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Carrier equipment, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

■ 1. The authority for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 276, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Amend § 64.1200 by adding new paragraph (f)(19), revising paragraphs (n)(1) through (3), adding paragraphs (o) and (p) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(f) * * *

(19) The term *gateway provider* means the first U.S.-based intermediate provider in the call path of a foreign-originated call that transmits the call directly to another intermediate provider or a terminating voice service provider in the United States.

* * * * *

(n) * * *

(1) Respond fully and in a timely manner to all traceback requests from the Commission, civil law enforcement, criminal law enforcement, and the industry traceback consortium. Where the voice service provider is a gateway provider, it must respond within 24 hours of receipt of such a request;

(2) Take affirmative, effective measures to prevent new and renewing customers from using its network to originate illegal calls, including knowing its customers and exercising due diligence in ensuring that its services are not used to originate illegal traffic; and,

(3) Take steps to effectively mitigate illegal traffic when it receives actual written notice of such traffic from the Commission through its Enforcement Bureau.

(i) In providing notice, the Enforcement Bureau shall identify with as much particularity as possible the suspected traffic; provide the basis for the Enforcement Bureau's reasonable belief that the identified traffic is unlawful; cite the statutory or regulatory provisions the suspected traffic appears to violate; and direct the voice service provider receiving the notice that it must comply with this section;

(ii) Each notified provider must promptly investigate the identified

traffic. Each notified provider must then promptly report the results of its investigation to the Enforcement Bureau, including any steps the provider has taken to effectively mitigate the identified traffic or an explanation as to why the provider has reasonably concluded that the identified calls were not illegal and what steps it took to reach that conclusion. Should the notified provider find that the traffic comes from an upstream provider with direct access to the U.S. Public Switched Telephone Network, that provider must promptly inform the Enforcement Bureau of the source of the traffic and, if possible, take steps to mitigate this traffic;

(iii) If the notified provider is a gateway provider, that provider must, after conducting the investigation described in paragraph (ii) of this section, promptly block all traffic associated with the traffic pattern identified in the Enforcement Bureau's notice; and

(iv) Should a gateway provider fail to comply with the requirements of paragraph (iii) of this section, the Commission, through its Enforcement Bureau, may send a notice to all providers immediately downstream from the gateway provider in the call path. Upon receipt of such notice, all providers must promptly block all traffic from the identified gateway provider.

(o) A gateway provider must block calls that it reasonably determines, based on reasonable analytics that include consideration of caller ID authentication information where available, that calls are part of a call pattern that is highly likely to be illegal.

(1) The gateway provider must manage this blocking with human oversight and network monitoring sufficient to ensure that it blocks only calls that are highly likely to be illegal, which must include a process that reasonably determines that the particular call pattern is highly likely to be illegal before initiating blocking of calls that are part of that pattern.

(2) The gateway provider ceases blocking calls that are part of the call pattern as soon as the gateway provider has actual knowledge that the blocked calls are likely lawful;

(3) All analytics are applied in a non-discriminatory, competitively neutral manner.

(p) A gateway provider must confirm that the originator of a high volume of foreign-originated calls that use a U.S. North American Numbering Plan number in the caller ID field is authorized to use that number to originate calls.

■ 3. Amend § 64.6300 by redesignating paragraphs (d) through (l) as paragraphs (e) through (m) and adding new paragraph (d) to read as follows:

§ 64.6300 Definitions.

* * * * *

(d) *Gateway Provider.* The term ''gateway provider'' means the first U.S.-based intermediate provider in the call path of a foreign-originated call that transmits the call directly to another intermediate provider or a terminating voice service provider in the United States.

* * * * *

■ 4. Amend § 64.6305 by revising paragraph (a) introductory text, redesignating paragraphs (b) and (c) as paragraphs (c) and (e), respectively, and by adding new paragraphs (b) and (d) to read as follows:

§ 64.6305 Robocall mitigation and certification.

(a) *Robocall mitigation program requirements for voice service providers.*

* * * * *

(b) *Robocall mitigation program requirements for gateway providers.*

(1) Each gateway provider shall implement an appropriate robocall mitigation program with respect to calls that use North American Numbering Plan resources that pertain to the United States.

(2) Any robocall mitigation program implemented pursuant to paragraph (b)(1) of this section shall include reasonable steps to avoid carrying or processing illegal robocall traffic and shall include a commitment to respond fully and within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocallers that use its service to carry or process calls.

(c) *Certification by voice service providers in the Robocall Mitigation Database.*

(1) Not later than June 30, 2021, a voice service provider, regardless of whether it is subject to an extension granted under § 64.6304, shall certify to one of the following:

(i) It has fully implemented the STIR/SHAKEN authentication framework across its entire network and all calls it originates are compliant with § 64.6301(a)(1) and (2);

(ii) It has implemented the STIR/SHAKEN authentication framework on a portion of its network and calls it originates on that portion of its network are compliant with § 64.6301(a)(1) and (2), and the remainder of the calls that originate on its network are subject to a robocall mitigation program consistent with paragraph (a) of this section; or

(iii) It has not implemented the STIR/SHAKEN authentication framework on any portion of its network, and all of the calls that originate on its network are subject to a robocall mitigation program consistent with paragraph (a) of this section.

(2) A voice service provider that certifies that some or all of the calls that originate on its network are subject to a robocall mitigation program consistent with paragraph (a) of this section shall include the following information in its certification:

(i) Identification of the type of extension or extensions the voice service provider received under § 64.6304, if the voice service provider is not a foreign voice service provider;

(ii) The specific reasonable steps the voice service provider has taken to avoid originating illegal robocall traffic as part of its robocall mitigation program; and

(iii) A statement of the voice service provider's commitment to respond fully and in a timely manner to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocallers that use its service to originate calls.

(3) All certifications made pursuant to paragraphs (c)(1) and (2) of this section shall:

(i) Be filed in the appropriate portal on the Commission's website; and

(ii) Be signed by an officer in conformity with 47 CFR 1.16.

(4) A voice service provider filing a certification shall submit the following information in the appropriate portal on the Commission's website.

(i) The voice service provider's business name(s) and primary address;

(ii) Other business names in use by the voice service provider;

(iii) All business names previously used by the voice service provider;

(iv) Whether the voice service provider is a foreign voice service provider; and

(v) The name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues.

(5) A voice service provider shall update its filings within 10 business days of any change to the information it must provide pursuant to paragraphs (c)(2) through (4) of this section.

(i) A voice service provider or intermediate provider that has been aggrieved by a Governance Authority

decision to revoke that voice service provider's or intermediate provider's SPC token need not update its filing on the basis of that revocation until the sixty (60) day period to request Commission review, following completion of the Governance Authority's formal review process, pursuant to § 64.6308(b)(1) expires or, if the aggrieved voice service provider or intermediate provider files an appeal, until ten business days after the Wireline Competition Bureau releases a final decision pursuant to § 64.6308(d)(1).

(ii) If a voice service provider or intermediate provider elects not to file a formal appeal of the Governance Authority decision to revoke that voice service provider's or intermediate provider's SPC token, the provider need not update its filing on the basis of that revocation until the thirty (30) day period to file a formal appeal with the Governance Authority Board expires.

(d) *Certification by gateway providers in the Robocall Mitigation Database.*

(1) Not later than March 1, 2023, a gateway provider shall certify that it has fully implemented the STIR/SHAKEN authentication framework across its entire network and all calls it carries or processes are compliant with § 64.6302(a) and (c);

(2) A gateway provider shall include the following information in its certification:

(i) The specific reasonable steps the gateway provider has taken to avoid carrying or processing illegal robocall traffic as part of its robocall mitigation program; and

(ii) A statement of the gateway provider's commitment to respond fully and within 24 hours to all traceback requests from the Commission, law enforcement, and the industry traceback consortium, and to cooperate with such entities in investigating and stopping any illegal robocallers that use its service to carry or process calls.

(3) All certifications made pursuant to paragraph (d)(1) of this section shall:

(i) Be filed in the appropriate portal on the Commission's website; and

(ii) Be signed by an officer in conformity with 47 CFR 1.16.

(4) A gateway provider filing a certification shall submit the following information in the appropriate portal on the Commission's website.

(i) The gateway provider's business name(s) and primary address;

(ii) Other business names in use by the gateway provider;

(iii) All business names previously used by the gateway provider;

(iv) Whether the gateway provider or any affiliate is also a foreign voice service provider; and

(v) The name, title, department, business address, telephone number, and email address of one person within the company responsible for addressing robocall mitigation-related issues.

(5) A gateway provider shall update its filings within 10 business days of any change to the information it must provide pursuant to paragraphs (d)(2) through (4) of this section, subject to the conditions set forth in paragraphs (c)(5)(i)–(ii) of this section.

(e) *Intermediate provider and voice service provider obligations.*

(1) Beginning September 28, 2021, intermediate providers and voice service providers shall accept calls directly from a voice service provider, including a foreign voice service provider that uses North American Numbering Plan resources that pertain to the United States to send voice traffic to residential or business subscribers in the United States, only if that voice service provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (c) of this section.

(2) *Additional intermediate provider and voice service provider obligations.* Beginning ninety days after the deadline for filing certifications pursuant to paragraph (d) of this section, intermediate providers and voice service providers shall accept calls directly from a gateway provider only if that gateway provider's filing appears in the Robocall Mitigation Database in accordance with paragraph (d) of this section.

[FR Doc. 2021–23164 Filed 10–25–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 211020–0214]

RIN 0648–BK73

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pink Shrimp and Midwater Trawl Exemptions to Vessel Monitoring System Requirements for the West Coast Groundfish Fishery

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS proposes revisions to monitoring provisions that specify exemptions for non-groundfish trawl vessels participating in the Pacific coast pink shrimp fishery and for groundfish midwater trawl vessels. In a final rule on vessel movement, monitoring, and declaration management for the Pacific coast groundfish fishery published on June 11, 2020, vessels in the pink shrimp trawl fishery were incorrectly included with other open access non-groundfish trawl vessels that became subject to a higher position transmission rate on their NMFS type-approved vessel monitoring system (VMS) units. This proposed rule would correct the error and return the required transmission rate for vessels in the pink shrimp trawl fishery to once every 60 minutes, as recommended by the Pacific Fishery Management Council. This proposed rule would also correct a citation error in the VMS regulations with regards to exemptions for midwater trawl vessels, as well as a typographical error in the trawl fishery prohibitions.

DATES: Comments on this proposed rule must be received on or before November 26, 2021.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2021–0085, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2021–0085 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post the comments for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Copies of the analytic document supporting this action, are available via the Federal eRulemaking Portal: *https://www.regulations.gov,* docket NOAA–NMFS–2021–0085, or by contacting the Pacific Fishery Management Council, 7700 NE

Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Matt Dunlap, Fishery Policy Analyst, 206–526–6019, or *matthew.dunlap@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On June 11, 2020, NMFS published a final rule on vessel movement, monitoring, and declaration management that revised reporting and monitoring provisions for vessels participating in the Pacific coast groundfish fishery (85 FR 35594). The rule increased the vessel position frequency to increase NMFS's ability to enforce fishing activity around restricted areas. The rule required an increase in the position transmission rate from once every 60 minutes to once every 15 minutes for groundfish vessels using NMFS type-approved VMS units. This increase in frequency produces more course, location, and speed data to improve NMFS's ability to identify whether vessels are continuously transiting in restricted areas or not. While the Pacific Fishery Management Council (Council) discussed and recommended an exemption to the increased transmission rate for vessels fishing in the pink shrimp trawl fishery because this fishery is not currently subject to restricted fishing areas, the exemption for pink shrimp trawl vessels was inadvertently not included in the original proposed or final rule. This proposed rule would add the exemption to the increased ping rate for pink shrimp trawl vessels, as well as correct a citation error in the midwater trawl exemption paragraph at 50 CFR 660.14(d)(3)(ii)(B) and correct a typographical error in the prohibitions section of the trawl fishery regulations at 50 CFR 660.112(b)(1)(x).

Between September 2014 and April 2016, the Council developed and considered management measures to address a range of vessel and gear movement issues and aggregated these issues under a single vessel movement monitoring agenda item. Additional details about the Council's considerations are included in the Council's analytical document (see **ADDRESSES**). The Council's public scoping document includes several references to making an exemption for the increase in ping rate for pink shrimp trawl vessels, specifically in Section 1.5.6.

The Council noted that the pink shrimp fishery is currently required to maintain a VMS unit at a ping rate of one per hour; however, there are no closed areas for the pink shrimp trawl fishery. A vessel is required to declare the type of gear being used for each trip so enforcement can verify that the vessel is authorized to fish in the Rockfish Conservation Area. Therefore the Council decided that additional monitoring for vessels participating in the pink shrimp trawl fishery is not necessary.

Summary of the Proposed Changes

This section discusses the regulatory revisions proposed by this rule that are expected to carry out the Council's recommendation. The proposed measures would:

- Restore the position transmission rate requirement of once every 60 minutes for vessels participating in the pink shrimp trawl fishery;
- Correct a citation in the ping rate exemption for midwater trawl fishing vessels; and
- Correct a typographical error in the prohibitions section of the trawl fishery regulations.

These proposed revisions would relieve vessels participating in the pink shrimp fishery from the added burden of more frequent position transmissions, consistent with the Council's recommendation and would clarify a cross-citation from the previous rulemaking on this issue.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Pacific Coast Groundfish Fishery Management Plan (FMP), other provisions of the Magnuson-Stevens Act, and other applicable law. In making the final determination, NMFS will consider the data, views, and comments received during the public comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. As this rule is correcting an oversight in an earlier rule and would result in no change to the status quo for regulated entities, there are not expected to be any economic or regulatory impacts on these entities.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Approximately 100 vessels would be impacted by this rule, all of whom would be considered small according to the size standard for commercial fishing businesses, with a median vessel revenue of $305,000. Because all directly regulated entities are small, these proposed regulations would not be expected to place small entities at a significant disadvantage to large entities. This action would also not be expected to significantly reduce profit or result in any change from the status quo for the approximately 100 vessels impacted by the rule. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian fisheries.

Dated: October 20, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.14, revise paragraph (d)(3)(ii)(B) and add paragraph (d)(3)(ii)(D) to read as follows:

§ 660.14 Vessel Monitoring System (VMS) requirements.

* * * * *

(d) * * *

(3) * * *

(ii) * * *

(B) *Midwater trawl exemption.* If a limited entry trawl vessel is fishing with midwater trawl gear under declarations in § 660.13(d)(4)(iv)(A), the mobile transceiver unit must transmit a signal at least once every hour.

* * * * *

(D) *Pink shrimp trawl exemption.* If a vessel is fishing for pink shrimp using non-groundfish trawl gear under declarations in § 660.13(d)(4)(iv)(A), the mobile transceiver unit must transmit a signal at least once every hour.

* * * * *

■ 3. In § 660.112, revise paragraph (b)(1)(x) to read as follows:

§ 660.112 Trawl fishery—prohibitions.

* * * * *

(b) * * *

(1) * * *

(x) Use midwater groundfish trawl gear outside the Pacific whiting IFQ fishery primary season dates as specified at § 660.131(b).

* * * * *

[FR Doc. 2021–23261 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 86, No. 204
Tuesday, October 26, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 21, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection received by November 26, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Research Service

Title: U.S. National Arboretum Use of the Grounds and Facilities as well as Commercial Photography and Cinematography.

OMB Control Number: 0518–0024.

Summary of Collection: Section 890(b) of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127 (''FAIR ACT'') provided statutory authorities regarding the United States National Arboretum (''USNA''). These authorities include the ability to charge fees for temporary use by individuals or groups of USNA facilities and grounds for any purpose consistent with the mission of the USNA. Also, the authority was provided to charge fees for the use of the USNA for commercial photography and cinematography. The mission of the U.S. National Arboretum (USNA) is to conduct research, provide education, and conserve and display trees, shrubs, flowers, and other plans to enhance the environment. The USNA is a 446-acre public facility. The grounds of the USNA are available to the public for purposes of education and passive recreation. The USNA has many spectacular feature and garden displays which are very popular to visitors and photographers.

Need and Use of the Information: USNA officials will collect the information using applications in the form of questionnaires. The information gathered on the photography form is the applicant's name, name of the organization providing the service, phone/fax numbers, dates and times requested for photography, how many people will be working the project, how many vehicles involved, and an itemization of equipment to be used by the crew. Also, the application requests a detailed description of the project, which specific sites are requested for photography and how the images or pictures will be used.

The collected information is used by USNA management to determine if a requestor's needs can be met, and the request is consistent with the mission and goals of the USNA uses of the information. If the basic information is not collected, USNA officials will not be able to determine if a requestor's needs are met.

Description of Respondents: Business or other for profit; Not-for-profit institutions; Individuals or households; State, Local or Tribal Government.

Number of Respondents: 300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 75.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–23319 Filed 10–25–21; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Correction

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 26, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to

the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Volunteer Application and Agreement for Natural and Cultural Resource Agencies.

OMB Control Number: 0596–0080.

Summary of Collection: The Department of Agriculture published a document in the **Federal Register** on October 21, 2021, Volume 86, page 58249 concerning a request for comments on the Information Collection ''Volunteer Application and Agreement for Natural and Cultural Resource Agencies'' OMB control number 0596–0080. The number of respondents 125,000 and 500,000 total burden hours reported were incorrect. The correct figures are 200,000 respondents and 125,000 total burden hours.

Dated: October 21, 2021.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–23310 Filed 10–25–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Pennsylvania Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Thursday, December 9, 2021 at 12:00 p.m. Eastern time. The Committee will review project proposal to study civil rights and fair housing in the state.

DATES: The meeting will take place on Thursday, December 9, 2021, 2021, from 12:00 p.m.–1:00 p.m. Eastern time.

Online Regisration (Audio/Visual): https://bit.ly/3ATzuxX.

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 2762 379 8962.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. 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 conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Pennsylvania Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call

Discussion: Civil Rights and Fair Housing in Pennsylvania

Future Plans and Actions

Public Comment

Adjournment

Dated: October 21, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–23317 Filed 10–25–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Arkansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Arkansas Advisory Committee (Committee) will hold a virtual (online) meeting Friday, December 10, 2021 at 12:30 p.m. Central Time. The purpose of the meeting is for the Committee to hear testimony regarding IDEA compliance and implementation in Arkansas schools.

DATES: The meeting will be held on Friday, December 10, 2021 12:30 p.m.–2:30 p.m. Central time.

ADDRESSES:

Web Access (audio/visual): Register at: *https://bit.ly/3AG1bds.*

Phone Access (audio only): 800–360–9505, Access Code 2760 998 4863.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal Officer, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: Members of the public may join online or listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Arkansas Advisory Committee link. Persons interested in the work of this

Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Panel III—IDEA Compliance and Implementation in Arkansas School
III. Public Comment
VI. Adjournment

Dated: October 21, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–23316 Filed 10–25–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Iowa Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Friday, October 29, 2021 at 3:00 p.m.–5:00 p.m. Central time. To orient Iowa Advisory Committee members about the work of the state advisory committees and to begin brainstorming potential civil rights topics for their first study of the 2021–2025 term.

DATES: The meeting will take place on Friday, October 29, 2021, 2021, from 3:00 p.m.–5:00 p.m. Central time.

ADDRESSES:

Online Registration (Audio/Visual): https://civilrights.webex.com/meet/afortes.

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 199 167 8181.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, DFO, at *afortes@usccr.gov* or 202–681–0857.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. 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 conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Pennsylvania Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome from Iowa Advisory Committee Chair
II. Introductions
III. Administrative Announcements
IV. Short Orientation Presentation
V. Nominate Vice Chair
VI. Discuss Civil Rights Topics
VII. Public Comment
VIII. Discuss Next Steps
IX. Adjournment

Dated: October 20, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–23259 Filed 10–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey

On July 20, 2021, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct Phase 3.2 of the Household Pulse Survey (OMB No. 0607–1013, Exp. 10/31/23). The Household Pulse Survey was designed to meet a need for timely information associated with household experiences during the Covid–19 pandemic. The Department is committed to ensuring that the data collected by the Household Pulse Survey continue to meet information needs as they may evolve over the course of the pandemic. This notice serves to inform of the Department's intent to request clearance from OMB to make some revisions to the Household Pulse Survey questionnaire. To ensure that the data collected by the Household Pulse Survey continue to meet information needs as they evolve over the course of the pandemic, the Census Bureau submits this Request for Revision to an Existing Collection for a revised Phase 3.3 questionnaire. Specifically, Phase 3.3 includes modifications to questions relating to vaccinations that expand response options for the number of doses and brand of Covid–19 vaccine received; three items asked in prior phases that have been reinstated with regard to unemployment insurance benefits, with a modified reference period; and a question that was reinstated relating to use of public transit and ridesharing.

It is the Department's intention to commence data collection using the revised instrument on or about November 17, 2021. The Department invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously sought on the Household Pulse Survey via the **Federal Register** on May 19, 2020, June 3, 2020, February 1, 2021, April 13, 2021, and again on June 24, 2021. This notice allows for an additional 30 days for public comments on the proposed revisions.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Household Pulse Survey.

OMB Control Number: 0607–1013.

Form Number(s): None.

Type of Request: Request for a Revision of a Currently Approved Collection.

Number of Respondents: 202,800.

Average Hours per Response: 20 minutes.

Burden Hours: 66,924.

Needs and Uses: Data produced by the Household Pulse Survey are

designed to inform on a range of topics related to households' experiences during the Covid–19 pandemic. Topics to date have included employment, facility to telework, travel patterns, income loss, spending patterns, food and housing security, access to benefits, mental health and access to care, intent to receive the COVID–19 vaccine, and educational disruption (K–12 and post-secondary). The requested revision, if approved by OMB, will add previously approved items to the Phase 3.3 questionnaire. The overall burden change to the public will be insignificant.

The Household Pulse Survey was initially launched in April, 2020 as an experimental project (see *https://www.census.gov/data/experimental-data-products.html*) under emergency clearance from the Office of Management and Budget (OMB) initially granted April 19, 2020; regular clearance was subsequently sought and approved by OMB on October 30, 2020 (OMB No. 0607–1013; Exp. 10/30/2023).

Affected Public: Households.

Frequency: Households will be selected once to participate in a 20-minute survey.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 182 and 196.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–1013.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–23329 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

RIN 0694–XC081

Publication of a Report on the Effect of Imports of Titanium Sponge on the National Security: An Investigation Conducted Under Section 232 of the Trade Expansion Act of 1962, as Amended

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Publication of a report.

SUMMARY: The Bureau of Industry and Security (BIS) in this notice is publishing a report that summarizes the findings of an investigation conducted by the U.S. Department of Commerce (the ''Department'') pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (''Section 232''), into the effect of imports of titanium sponge on the national security of the United States. This report was completed on November 29, 2019 and posted on the BIS website in July 2021. BIS has not published the appendices to the report in this notification of report findings, but they are available online at the BIS website, along with the rest of the report (*see* the **ADDRESSES** section).

DATES: The report was completed on November 29, 2019. The report was posted on the BIS website in July 2021.

ADDRESSES: The full report, including the appendices to the report, are available online at *https://bis.doc.gov/232*.

FOR FURTHER INFORMATION CONTACT: For further information about this report contact Erika Maynard, Special Projects Manager, (202) 482–5572; and Leah Vidovich, Management and Program Analyst, (202) 482–1819. For more information about the Office of Technology Evaluation and the Section 232 Investigations, please visit: *http://www.bis.doc.gov/232*.

SUPPLEMENTARY INFORMATION:

The Effect of Imports of Titanium Sponge on the National Security

An Investigation Conducted Under Section 232 of the Trade Expansion Act of 1962, as Amended

U.S. Department of Commerce, Bureau of Industry and Security, Office of Technology Evaluation

November 29, 2019

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Prepared by Bureau of Industry and Security

https://www.bis.doc.gov

I. Executive Summary

This report summarizes the findings of an investigation conducted by the U.S. Department of Commerce (the ''Department'') pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (hereinafter, the ''statute'' or ''Section 232''), into the effect of imports of titanium sponge [1] on the national security of the United States.

Titanium sponge is the product of the application of various chemical processes on titanium ore, resulting in an end product called titanium sponge. Premium quality titanium sponge is used as the basis for titanium parts in many U.S. defense systems including military fighter aircraft and engines, satellite parts, naval and commercial ships, submarines, and military ground vehicles. Further, critical infrastructure applications such as petrochemical facilities, energy systems, water and sewer systems, and commercial aircraft and engines all depend on varying purities of titanium sponge.

The ore used to make titanium sponge is readily available worldwide. However, as of the date of this report, there is only one active large-scale industrial plant in the United States that produces titanium sponge. This facility is declining due to aging and damaged facilities and overall low global prices for titanium sponge. This facility only produced about [TEXT REDACTED] of U.S. consumption in 2018 and requires large-scale capital investment approaching [TEXT REDACTED] for continued operations. At full production, this facility would account for [TEXT REDACTED] of U.S. titanium sponge consumption in 2018, or approximately [TEXT REDACTED] per annum.

The United States imports 68 percent of the titanium sponge needed to fulfill domestic demand, largely from Japan, with smaller quantities coming from countries such as Kazakhstan and Ukraine. Some foreign producers, such as Russia's VSMPO-Avisma do not pass on the full cost of titanium sponge to downstream consumers and offer artificially low-priced finished titanium goods. This is most notable with VSMPO-Avisma's joint venture with Boeing to produce titanium-based aircraft parts in Russia for use in U.S.-assembled commercial aircraft.

China has a burgeoning capacity to manufacture titanium sponge. However, at present almost all of China's titanium sponge production is consumed by domestic demand. Nevertheless, Chinese producers are developing export markets for their downstream titanium products, and estimates indicate that at least 23 percent of all Chinese titanium mill products are exported. As Chinese producers develop their technical capabilities to include production of aerospace-grade sponge suitable for use in rotating aircraft parts, China's impact on the global titanium sponge and downstream titanium markets may grow.

If no action is taken, it is anticipated that by [TEXT REDACTED] the U.S. may cease to have any domestic titanium sponge production capacity when the current U.S. facility reaches the end of its useful life. Despite national security concerns, for the reasons set forth in detail herein, an adjustment of tariffs on imported titanium sponge will not address the distortionary effect of non-market producers such as Russia, and eventually China, on the global titanium sponge market.

An alternative approach could include the United States government temporarily compensating U.S. industry for the difference between its comparatively higher production prices and lower global sale prices, affording U.S. industry time to make the investments required to reduce production costs to a level comparable with other market producers, and additional government stockpiles of U.S.-origin titanium sponge or U.S.-melted titanium in a stable form such as ingots. This report also examines the possibility for multilateral negotiations among the world's market titanium sponge producers to constructively address low prices, low inventory levels, and other factors that harm the U.S. and other market producers.

As required by the statute, the Secretary considered all factors set forth in Section 232(d). The Secretary examined the effect of imports on national security requirements, specifically:

i. Domestic production needed for projected national defense requirements;

ii. the capacity of domestic industries to meet such requirements;

iii. existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense;

iv. the requirements for growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth; and

v. the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries; and the capacity of the United States to meet national security requirements.

The Secretary also recognized the close relation of the economic welfare of the United States to its national security. Factors that can compromise the nation's economic welfare include, but are not limited to, the impact of ''foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills, or any other serious effects resulting from the displacement of any domestic products by excessive imports'' (19 U.S.C. 1862(d)). In particular, this report assesses whether titanium sponge is being imported ''in such quantities'' and ''under such circumstances'' as to ''threaten to impair the national security.'' [2]

Findings

In conducting the investigation, the Secretary found:

A. Titanium Sponge Is Essential to U.S. National Security

1. Titanium sponge is essential to the manufacturing and maintenance of U.S. defense systems. Titanium is used in many military applications, including aircraft frames, jet and helicopter engines, satellites, ships, submarines, and ground vehicles. Titanium sponge is the intermediate product resulting from the conversion of titanium ore into a form of titanium metal that can be melted to manufacture slab or ingot, which in turn is used to produce finished titanium products. Consequently, titanium sponge production is essential to the production and sustainment of many U.S. defense systems, and preserving this critical capability is imperative to the national security.

2. Further, Congress has implicitly recognized that titanium sponge is critical to national security by including titanium as a strategic material in the Specialty Metals Clause (10 U.S.C.

[1] *See* Section IV, ''Product Scope of the Investigation,'' for definition of titanium sponge.

[2] 19 U.S.C. 1862(b)(3)(A).

2533b). The clause requires all titanium used in national defense systems to be melted or produced in the United States or a qualifying country. Additionally, the Department of the Interior included titanium on the 2018 List of Critical Minerals required by Executive Order 13817 (December 20, 2017). The list established titanium as essential to the national security of the United States and found that the absence of a titanium supply would have significant consequences for the U.S. economy and the national security. An economically viable domestic source of titanium sponge, therefore, strengthens and diversifies the security of supply of U.S. semi-finished and finished titanium goods.

3. Titanium sponge is also vital for critical infrastructure. Titanium sponge, as the intermediate product for titanium metal, supports 15 of the 16 critical infrastructure sectors identified by the Department of Homeland Security (DHS).[3] Titanium sponge is used in products that support critical infrastructure sectors such as petrochemicals, energy systems, medical applications, transportation systems, water systems, commercial airframe and aircraft engines, and others.

B. The Continued Production of Titanium Sponge at the Sole Remaining Domestic Producer Is Threatened

1. Though the U.S. was the first nation to commercialize titanium sponge production in the 1950s, U.S. domestic titanium sponge production capacity has declined significantly. In 1984, there were five plants producing titanium sponge in the U.S.; by 2019, only one producer capable of producing titanium sponge for defense, commercial, and industrial applications remained. U.S. titanium sponge producers had a combined capacity of [TEXT REDACTED] at two facilities in 2016,[4] but the idling of one of these facilities in late 2016 reduced available U.S. capacity to [TEXT REDACTED] in 2019.

2. TIMET, the sole remaining U.S. titanium sponge producer, also has titanium melting operations. TIMET utilizes the entirety of its sponge production to satisfy internal demand for their titanium melt operations, which in turn manufactures semi-finished and finished titanium products for defense and critical infrastructure applications. The availability of economically viable titanium sponge production, therefore, is an essential component in TIMET's continued melt operations. It is important to note that TIMET's production of sponge does not fully cover needs for their internal melt operations, and TIMET imports about [TEXT REDACTED], on average, of its sponge needs each year.

3. [TEXT REDACTED] The disparity between TIMET's U.S. sponge production costs and non-U.S. sponge prices contributes to TIMET's increasing difficulty in determining whether the return on investment justifies continued sponge production.

4. TIMET, in addition to high production costs, must invest approximately [TEXT REDACTED] in its sponge facility by [TEXT REDACTED] in order to continue production due to ''end of life'' issues with portions of their integrated production process (including the crucial chlorination process). These essential, expensive capital investments, coupled with the availability of low-priced imports, have pressured TIMET to seriously consider closing its domestic sponge operations in favor of importing low priced non-U.S. sponge. The availability of low-priced sponge imports threatens the financial viability of the sole remaining large-scale sponge facility in the United States.

C. Low Priced Titanium Sponge Imports Threaten Continued U.S. Production and Contribute to the Weakening of the Internal Economy

1. The United States imports significant quantities of titanium sponge. Imports increased 13 percent from approximately 20,700 metric tons, or 59 percent of total consumption in the United States in 2010, to approximately 23,400 metric tons, or 68 percent of total consumption in the United States in 2018.[5] The value of these imports averaged $196 million annually over the 2015 to 2018 period.

2. U.S. titanium sponge production and inventories satisfied just 32 percent of U.S. sponge demand in 2018, with the remainder of demand being filled by imports. Aggregate U.S. titanium sponge consumption exceeded production by [TEXT REDACTED], or [TEXT REDACTED], between 2015 and 2018. At most, U.S. production operating at full capacity could satisfy only [TEXT REDACTED] of U.S. demand for titanium sponge in 2018.

3. The vast majority of titanium sponge imports in 2018 came from Japan (94.4 percent), with smaller quantities from Kazakhstan (5.2 percent), and China, Russia, and Ukraine (each less than 1 percent).[6] Japanese imports increased from 75 percent of all imports in 2015, to 94.4 percent in 2018, an increase largely driven by the idling of one of the two remaining domestic sponge production facilities in 2016. Between 2015 and 2018, imports of Japanese titanium sponge increased by 43 percent as U.S. production decreased by 60 percent.[7] [8]

4. Allegheny Technologies Incorporated (ATI), a major U.S. titanium manufacturer, idled its titanium sponge operations in late 2016. ATI cited high costs of production and availability of low-priced imports as justification for idling its facility. [TEXT REDACTED]

5. TIMET is facing a similar situation as ATI did in 2016. TIMET must decide whether to continue to produce titanium sponge for their melting operations or import low-priced sponge instead. As sponge import prices continue to drop, TIMET is having an increasingly difficult time justifying the continuation of its sponge production. [TEXT REDACTED] This issue is compounded by TIMET's need to recapitalize its sponge operation [TEXT REDACTED].

6. Declining global prices and higher imports of low-priced titanium sponge, principally from Japan, are the primary causes of the decline in U.S. titanium sponge capacity and production. The continued substitution of non-U.S. imports for U.S. produced sponge is the predominant factor in the domestic titanium sponge industry's decline.

7. Another factor impacting the health and competitiveness of U.S. sponge production is the growing use of titanium scrap. Advancements in melt technology have allowed titanium producers to use increasing amounts of titanium scrap, which is less expensive than titanium sponge, as a source of melt feedstock. Sponge demand and prices have therefore decreased due to increasing use of scrap. It is important to note that approximately 52 percent of scrap used in downstream U.S. titanium

[3] U.S. White House. Office of the Press Secretary. *Critical Infrastructure Security and Resilience.* Presidential Policy Directive 21. (Washington, DC: 2013) *https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil.*

[4] [TEXT REDACTED]

[5] U.S. Geological Survey Minerals Report (2010–2018). Note that the U.S. Geological Survey statistics include Honeywell Electronic Materials' 500-metric-ton plant at Bountiful, Utah in its capacity figures. As this plant does not produce material that is used for industrial metal applications, it is excluded from this investigation. More information on this is provided in Chapters IV and V.

[6] USGS Minerals Yearbook 2018, Volume 1, Commodity Report.

[7] USITC Data Web, HTSUS Code 8108.20.0010, 2005–2018 Japanese Imports for consumption.

[8] BIS Survey Data (U.S. Production).

production is imported. The remaining 48 percent, which is domestically produced, is still dependent on non-U.S. titanium sponge imports for its initial production. Increasing usage of scrap in place of sponge and the consequent downward pressure on sponge prices places even further financial pressure on the remaining U.S. producer of titanium sponge.

D. Increased Foreign Sponge Capacity and Production Raise Future National Security Concerns

1. As U.S. titanium sponge production capacity has declined, other countries' capacities have increased. Between 2004 and 2018, Chinese titanium sponge production capacity increased approximately 1,050 percent from 9,500 metric tons to 110,000 metric tons.[9] Japanese capacity increased by 84 percent from 37,000 to 68,000 metric tons, and Russian capacity increased by 66 percent from 28,000 tons to 46,500 metric tons.[10] By comparison, U.S. capacity stood at just [TEXT REDACTED] in 2018.

2. Although Chinese exports accounted for less than 1 percent of total U.S. imports of titanium sponge in 2018, China's dramatic growth in sponge production and capacity (38 percent of world capacity in 2018) is contributing to overall downward pressure on global titanium prices. The sole remaining domestic producer struggles to justify continued production due to availability of low-priced imports and the need for large capital expenditures. Any further decreases in global prices will put additional pressure on remaining U.S operations. This downward pressure may increase further as domestic Chinese demand for sponge is satisfied and China looks to export excess material of both sponge and finished titanium products.

3. Though China currently consumes almost all of its domestic production of titanium sponge, their large-scale capacity for mill products has allowed them to export approximately 23 percent of their titanium ingot and billet production. While no significant quantities of Chinese ingots or billets are imported into the U.S. at present, China has been exporting increasing quantities of commercial and industrial products containing titanium (bicycles, heat exchangers, condensers, automobile parts, structural aerospace parts, medical devices, construction materials, etc.). Increased Chinese exports of commercial and industrial products containing titanium (with a broader range than Russian exports of aerospace-focused titanium products), and a future focus on exports of titanium sponge, ingot, and billet is expected, as China has implemented a similar export strategy in other material markets. As the U.S. is the second largest market for titanium products in the world, the U.S. will be a natural target for low price imports from China.

4. Only the United States, Japan, Russia, and Kazakhstan have titanium sponge plants certified to produce aerospace rotating-quality sponge that can be used for aerospace engine parts and other sensitive aerospace applications. While Chinese producers have not yet been certified in the U.S. to supply this type of aerospace-grade sponge, it is expected that they will develop the capability to do so in the near future. Increased Russian and future Chinese premium-quality sponge exported at non-market prices will harm the remaining U.S. and Japanese producers and may force U.S. commercial aircraft and engine manufacturers into dependence on Russian and Chinese sources.

Conclusion

Based on these findings, the Secretary concludes that the present quantities and circumstance of titanium sponge imports are ''weakening our internal economy'' and threaten to impair the national security as defined in Section 232. The consequent adverse impact on the domestic titanium sponge industry, along with the circumstance of increased global production and capacity in titanium sponge, especially in non-market economies, places the United States at risk of losing the remaining industrial capacity and technical knowledge essential to producing the titanium sponge needed to meet national defense and critical infrastructure requirements.

Imports of titanium sponge, which accounted for 68 percent of all sponge consumed in the United States in 2018, threaten to impair the national security by placing the remaining U.S. titanium sponge producer's operation under severe financial stress. Low-priced sponge imports, as well as low-priced titanium scrap imports, depress the price of U.S. titanium sponge and de-incentivize recapitalization of the remaining active facility's aging production capabilities. If the remaining facility ceases operation, the U.S. will have no active domestic capacity to produce titanium sponge for national defense and critical infrastructure needs.

Absent domestic titanium sponge production capacity, the U.S. will be completely dependent on imports of titanium sponge and scrap and will lack the surge capacity required to support defense and critical infrastructure needs in an extended national emergency.

Titanium producers, including producers of goods such as ingot, billet, sheet, coil, and tube, as well as end-users of finished titanium goods, are almost all entirely dependent on non-U.S. sources for sponge and scrap. This circumstance presents the possibility that, in a national emergency, U.S. titanium producers would be denied access to imports of titanium sponge and scrap due to supply disruption. If U.S. titanium producers do not have access to either domestic or imported supplies of sponge and scrap, their manufacturing operations would severely decline or cease once their existing titanium inventories are depleted. [TEXT REDACTED] The U.S. no longer maintains titanium sponge in the National Defense Stockpile.

Further, under current global market conditions and with the low price charged by non-market Russian and Chinese titanium producers, it is difficult for the remaining U.S. titanium sponge producer to justify the capital investments needed for continued operations. This inability to invest threatens continued operation of the sole domestic titanium sponge plant. If this capacity and associated skilled workforce are lost, it will be challenging and expensive to reconstitute U.S. titanium sponge production capabilities should the need arise.

The Department acknowledges that larger industry trends, including increased use of titanium scrap and downstream producers' emphasis on scrap recovery, have decreased the need for titanium sponge. These trends reflect U.S. titanium producers and end users' interest in maximizing profits by leveraging lower scrap costs and mitigating the need for new sponge purchases. However, these trends do not eliminate the need for new titanium sponge. Certain titanium parts, particularly those used in national defense systems, cannot be made using scrap and require new titanium sponge. Moreover, approximately 52 percent of all scrap is imported and subject to the same potential supply disruptions as sponge imports. The remaining 48 percent of scrap that is domestically produced is also subject to potential supply disruptions. The vast majority of this domestic scrap is generated from semi-fabricated and finished titanium product manufacturing operations, which at present rely on imported

[9] U.S. Geological Survey, ''Titanium and Titanium Dioxide: 2006'' and ''Titanium and Titanium Dioxide: 2018.''

[10] Ibid.

sponge for approximately 68 percent of their total sponge consumption.

The displacement of domestic titanium sponge by low-priced imports places the United States at risk of not being able to meet national security and critical infrastructure requirements during an emergency. The Secretary therefore finds that imports of titanium sponge threaten to impair the national security as defined in Section 232.

Recommendations

The Department has identified several potential actions that could be taken to address the threat of imports of titanium sponge to national security.[11] These actions include domestic initiatives and multilateral negotiations.

Option 1—Domestic Initiatives

The Department has identified two possible domestic initiatives that the U.S government can undertake to stimulate reinvestment in domestic sponge production. These options include:

Option 1A—Voluntary Agreements With U.S. Titanium Sponge Producer(s) Under Title VII of the Defense Production Act of 1950

One of the challenges identified by the U.S. industry is that low prevailing market prices, which are driven by high volumes of low-priced imports, do not justify the capital investments required to sustain future production. To mitigate this situation, the U.S. government could temporarily compensate U.S. producer(s) for the difference between their current production costs and global purchase prices.

Such compensation would serve as a temporary bridge until such time that U.S. producer(s) could make the capital investments needed to upgrade or build new production facilities, which will in turn lower production costs and safeguard future production. Although the proposed compensation is not likely to cover the full cost of any major capital investment, it would nevertheless encourage U.S. producers to invest their own funds in modernizing sponge production.

As shown in Figure A below, the Department estimates that providing this compensation over a five-year period would cost approximately [TEXT REDACTED] per year, or approximately [TEXT REDACTED] of titanium sponge produced. The Department bases these calculations on the remaining active U.S. producer of titanium sponge and assumes a five-year period would be required to make the essential capital investments needed to safeguard production. After completion of needed capital investments, U.S. production costs are expected to be competitive with the global sponge prices, and the compensation would no longer be required.

[TEXT REDACTED]

[TEXT REDACTED]	[TEXT REDACTED] [TEXT REDACTED]	[TEXT REDACTED] [TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]	
[TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED]	[TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED]	

[TEXT REDACTED]

Option 1B—Expansion of the National Defense Stockpile To Include Titanium Sponge and Additional Amounts of Titanium Metal

The USG also could address the threatened impairment by adding additional titanium materials to the National Defense Stockpile, while simultaneously encouraging the upgrade of domestic sponge production capacity by instituting long-term supply contracts for U.S. producers of titanium sponge and metal. To encourage domestic sponge production, the agreement for this additional material would specify that the winning bidder(s) agree to provide U.S.-origin titanium sponge and domestically melted semi-finished titanium products to fulfill the anticipated 15-year contract.

In order to safeguard against supply chain disruptions, the proposed National Defense Stockpile would maintain one year's worth of U.S. titanium sponge consumption needs (combined defense and commercial). Department survey data on U.S. producers and melters' 2018–2019 inventories, consumption, and costs were used to calculate and estimate needs for this proposed stockpile. In 2018, 34,100 metric tons of titanium sponge were consumed in the U.S. The sole domestic manufacturer of titanium sponge produced sponge at a cost of [TEXT REDACTED]. Additionally, [TEXT REDACTED] of titanium sponge was held by U.S. commercial producers in their inventories in 2018. In order to maintain one years' worth of U.S. consumption in the proposed stockpile (34,100 metric tons total), the USG would have to procure [TEXT REDACTED] of titanium sponge in order to supplement the 2018 commercial inventory level of [TEXT REDACTED]. The agreement would stipulate that commercial inventory levels cannot be sold or liquidated and must be maintained at 2018 levels.

A 15-year agreement to procure the total shortfall of [TEXT REDACTED] would require the purchase of roughly [TEXT REDACTED] of titanium sponge per year, at an average price of [TEXT REDACTED], for a cost of [TEXT REDACTED] per year. The 15-year agreement would result in the procurement of [TEXT REDACTED] of sponge for the stockpile maintained by the USG at a total cost of [TEXT REDACTED]. However, the final amount and mix of sponge and metal (titanium ingots and billets) to be added would be determined by the DoD in consultation with the Department and other agencies. Commercial inventories in the U.S. (including inventories of non-U.S. suppliers) and other factors that could impact demand in a national emergency would be factored into the acquisition plan.

[11] The following recommendations are the Department's and do not necessarily reflect the recommendations of the other agencies with which the Department consulted during the course of this investigation.

Option 2—Multilateral Negotiations

As the Department observed in the recent steel, aluminum, and uranium Section 232 investigations, non-market actors can substantially distort the global market for products through price, quantity, and market access. For titanium sponge and downstream products, Russia and China are examples of such non-market actors. In 2018, Russian and Chinese titanium sponge producers controlled 61 percent of the world's titanium sponge production, an increase on their combined 55 percent share in 2008 and 37 percent share in 1998.

Non-market actors lower the price of titanium sponge, which causes financial harm to U.S. and other market producers, particularly Japan. Japanese producers have responded to low global prices by lowering their own sponge prices. Multilateral negotiations between the United States and other market producers of titanium sponge, including Japan and Kazakhstan, would present an opportunity to address issues affecting market titanium sponge production. The option below is budget neutral.

Option 2—Common Inventory of Sponge for Use Among the Parties To Mitigate Supply Issues

In this option, the U.S. and other market titanium producers could agree to establish pre-positioned strategic stores of sponge for use by titanium sponge customers to be held at their U.S. titanium facilities or other locations in the United States. The amount of sponge held would vary with the annual amount sold to each particular customer commensurate to their market share. This action would mitigate potential shortfalls in sponge imports caused by a national emergency.

U.S. Titanium Industrial Base Analysis

The Department, in collaboration with the Department of Defense (DoD), the Department of Interior (DOI), and the U.S. Geological Survey (USGS), should survey and assess the operating status and capacity of the U.S. titanium sponge and downstream titanium industries every three years. Such action would provide the USG with needed economic and financial data on this critical industrial base sector.

II. Legal Framework

A. Section 232 Requirements

Section 232 provides the Secretary with the authority to conduct investigations to determine the effect on the national security of the United States of imports of any article. It authorizes the Secretary to conduct an investigation if requested by the head of any department or agency, upon application of an interested party, or upon his own motion. *See* 19 U.S.C. 1862(b)(1)(A).

Section 232 directs the Secretary to submit to the President a report with recommendations for ''action or inaction under this section'' and requires the Secretary to advise the President if any article ''is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.'' *See* 19 U.S.C. 1862(b)(3)(A).

Section 232(d) directs the Secretary and the President to consider, in light of the requirements of national security and without excluding other relevant factors, the domestic production needed for projected national defense requirements and the capacity of the United States to meet national security requirements. *See* 19 U.S.C. 1862(d).

Section 232(d) also directs the Secretary and the President to ''recognize the close relation of the economic welfare of the Nation to our national security, and . . . take into consideration the impact of foreign competition on the economic welfare of individual domestic industries'' by examining whether any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects resulting from the displacement of any domestic products by excessive imports, or other factors, results in a ''weakening of our internal economy'' that may impair the national security.[12] *See* 19 U.S.C. 1862(d).

Once an investigation has been initiated, Section 232 mandates that the Secretary provide notice to the Secretary of Defense that such an investigation has been initiated. Section 232 also requires the Secretary to do the following:

(1) ''Consult with the Secretary of Defense regarding the methodological and policy questions raised in [the] investigation;''

(2) ''Seek information and advice from, and consult with, appropriate officers of the United States;'' and

(3) ''If it is appropriate and after reasonable notice, hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to such investigation.'' [13] *See* 19 U.S.C. 1862(b)(2)(A)(i)–(iii).

As detailed in the report, all of the requirements set forth above have been satisfied.

In conducting the investigation, Section 232 permits the Secretary to request that the Secretary of Defense provide an assessment of the defense requirements of the article that is the subject of the investigation. *See* 19 U.S.C. 1862(b)(2)(B). Upon completion of a Section 232 investigation, the Secretary is required to submit a report to the President no later than 270 days after the date on which the investigation was initiated. *See* 19 U.S.C. 1862(b)(3)(A). The report must:

(1) Set forth ''the findings of such investigation with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security;''

(2) Set forth, ''based on such findings, the recommendations of the Secretary for action or inaction under this section;'' and

(3) ''If the Secretary finds that such article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security . . . so advise the President.'' *See* 19 U.S.C. 1862(b)(3)(A).

All unclassified and non-proprietary portions of the report submitted by the Secretary to the President must be published. *See* 19 U.S.C. 1862(b)(3)(B).

Within 90 days after receiving a report in which the Secretary finds that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the President shall:

(1) ''Determine whether the President concurs with the finding of the Secretary;'' and

(2) ''If the President concurs, determine the nature and duration of the action that, in the judgment of the President, must be taken to adjust the imports of the article and its derivatives so that such imports will not threaten to impair the national security'' *See* 19 U.S.C. 1862(c)(1)(A).

B. Discussion

While Section 232 does not specifically define ''national security'' both Section 232 and the implementing regulations at 15 CFR part 705 contain non-exclusive lists of factors that the Secretary must consider in evaluating the effect of imports on the national

[12] An investigation under Section 232 looks at whether imports threaten to impair the national security, rather than looking at unfair trade practices as in an antidumping investigation.

[13] Department regulations (i) set forth additional authority and specific procedures for such input from interested parties, *see* 15 CFR 705.7 and 705.8, and (ii) provide that the Secretary may vary or dispense with those procedures ''in emergency situations, or when in the judgment of the Department, national security interests require it.'' *Id.,* § 705.9.

security. Congress in Section 232 explicitly determined that ''national security'' includes, but is not limited to, ''national defense'' requirements. *See* 19 U.S.C. 1862(d).

The Department has determined that ''national defense'' includes both the defense of the United States directly and the U.S. ''ability to project military capabilities globally.'' [14] The Department also concluded that ''[i]n addition to the satisfaction of national defense requirements, the term 'national security' can be interpreted more broadly to include the general security and welfare of certain industries, beyond those necessary to satisfy national defense requirements, which are critical to the minimum operations of the economy and government.'' [15] The Department deemed these certain industries as ''critical industries.'' [16] This report uses these interpretations of the terms ''national defense'' and ''national security,'' as applying to ''critical industries.'' In doing so, this report considers 16 critical infrastructure sectors identified in Presidential Policy Directive 21.[17]

Section 232 directs the Secretary to determine whether imports of any article are being made ''in such quantities'' or ''under such circumstances'' that those imports ''threaten to impair the national security.'' *See* 19 U.S.C. 1862(b)(3)(A). Accordingly, either the quantities or the circumstances, standing alone, may be sufficient to support an affirmative finding.

The statute does not prescribe a threshold or a standard for when ''such quantities'' of imports are sufficient to threaten to impair the national security, nor does it define the ''circumstances'' that might qualify.

Likewise, the statute does not require a finding that the quantities or circumstances are impairing the national security. Instead, the threshold question under Section 232 is whether those quantities or circumstances ''threaten to impair the national security.'' *See* 19 U.S.C. 1862(b)(3)(A). This makes evident that Section 232 may be used to prevent a threatened impairment to the national security from occurring before the national security is actually impaired.

Section 232(d) contains a list of factors for the Secretary to consider in determining if imports ''threaten to impair the national security'' [18] of the United States, and this list is mirrored in the implementing regulations. *See* 19 U.S.C. 1862(d) and 15 CFR 705.4. Congress was careful to note twice in Section 232(d) that the list provided, while mandatory, is not exclusive.[19] Congress' illustrative list is focused on the ability of the United States to maintain the domestic capacity to provide the articles in question as needed to maintain the national security of the United States.[20] Congress broke the list of factors into two equal parts using two separate sentences. The first sentence focuses directly on ''national defense'' requirements, thus making clear that ''national defense'' is a subset of the broader term ''national security.'' The second sentence focuses on the broader economy and expressly directs that the Secretary and the President ''shall recognize the close relation of the economic welfare of the Nation to our national security.'' [21] *See* 19 U.S.C. 1862(d).

In addition to ''national defense'' requirements, two of the factors listed in the second sentence of Section 232(d) are particularly relevant in this investigation. Both are directed at how ''such quantities'' of imports threaten to impair national security. *See* 19 U.S.C. 1862(b)(3)(A). In administering Section 232, the Secretary and the President are required to ''take into consideration the impact of foreign competition on the economic welfare of individual domestic industries'' and any ''serious effects resulting from the displacement of any domestic products by excessive imports'' in ''determining whether such weakening of our internal economy may impair the national security.'' *See* 19 U.S.C. 1862(d). Imports of titanium sponge supplied 68 percent of U.S. consumption in 2018. Many of these imports are priced well below the prevailing price for U.S.-origin titanium sponge and have been a major factor in the decline of U.S. titanium sponge production.

Two other factors included in the statute that are also particularly relevant to this investigation are ''loss of skills'' and ''loss of investment.'' *See* 19 U.S.C. 1862(d). As imports of titanium sponge have increased, losses of U.S. titanium sponge production capacity have caused a decline in the skilled workforce needed for the sponge manufacturing process. These imports are also a disincentive for needed investment in aging U.S. titanium sponge production facilities; without this investment, future production of domestic titanium sponge is not sustainable. These factors are illustrative of a ''weakening of the internal economy [that] may impair the national security'' as defined in Section 232.

III. Investigation Process

A. Initiation of Investigation

On September 27, 2018 Titanium Metals Corporation (TIMET) petitioned the Secretary to conduct an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect of imports of titanium sponge on the national security.

Upon receipt of the petition, the Department reviewed the material facts outlined in the petition. Initial discussions were held with other bureaus within the Department as well as with the Department of Defense. Legal counsel at the Department also reviewed the petition to ensure it met the requirements of the Section 232 statute and the implementing regulations.

Subsequently, on March 4, 2019 the Department accepted the petition and initiated the investigation. Pursuant to Section 232(b)(1)(b), the Department notified the U.S. Department of Defense with a March 4, 2019 letter from

[14] Department of Commerce, Bureau of Export Administration; *The Effect of Imports of Iron Ore and Semi-Finished Steel on the National Security;* Oct. 2001 (''2001 Report'').

[15] *Id.*

[16] *Id.*

[17] Presidential Policy Directive 21, *Critical Infrastructure Security and Resilience* (February 12, 2013) (''PPD–21'').

[18] 19 U.S.C. 1862(b)(3)(A).

[19] *See* 19 U.S.C. 1862(d) (''the Secretary and the President shall, in light of the requirements of national security and without excluding other relevant factors . . .'' and ''serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors . . .'').

[20] This reading is supported by Congressional findings in other statutes. *See, e.g.,* 15 U.S.C. 271(a)(1) (''The future well-being of the United States economy depends on a strong manufacturing base . . .'') and 50 U.S.C. 4502(a) (''Congress finds that—(1) the security of the United States is dependent on the ability of the domestic industrial base to supply materials and services . . . (2)(C) to provide for the protection and restoration of domestic critical infrastructure operations under emergency conditions . . . (3) . . . the national defense preparedness effort of the United States government requires—(C) the development of domestic productive capacity to meet—(ii) unique technological requirements. . . (7) much of the industrial capacity that is relied upon by the United States Government for military production and other national defense purposes is deeply and directly influenced by—(A) the overall competitiveness of the industrial economy of the United States; and (B) the ability of industries in the United States, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve competitiveness with respect to military and civilian production; and (8) the inability of industries in the United States, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair the ability to sustain the Armed Forces of the United States in combat for longer than a short period.'').

[21] *Accord* 50 U.S.C. 4502(a).

Secretary Ross to Acting Secretary of Defense Patrick Shanahan (*See* Appendix A).

On March 8, 2019, the Department published a **Federal Register** Notice (*See* Appendix B—**Federal Register**, 84 FR 8503) announcing the initiation of an investigation to determine the effect of imports of titanium sponge on the national security. The notice also announced the opening of the public comment period.

B. Public Comments

On March 8, 2019, the Department invited interested parties to submit written comments, opinions, data, information, or advice relevant to the criteria listed in Section 705.4 of the National Security Industrial Base Regulations (15 CFR 705.4) as they affect the requirements of national security, including the following:

(a) Quantity of the articles subject to the investigation and other circumstances related to the importation of such articles;

(b) Domestic production capacity needed for these articles to meet projected national defense requirements;

(c) The capacity of domestic industries to meet projected national defense requirements;

(d) Existing and anticipated availability of human resources, products, raw materials, production equipment, facilities, and other supplies and services essential to the national defense;

(e) Growth requirements of domestic industries needed to meet national defense requirements and the supplies and services including the investment, exploration and development necessary to assure such growth;

(f) The impact of foreign competition on the economic welfare of any domestic industry essential to our national security;

(g) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects;

(h) Relevant factors that are causing or will cause a weakening of our national economy; and

(i) Any other relevant factors.

The initial public comment period ended on April 22, 2019.

The Department received 14 initial written submissions concerning this investigation, all of which were posted on *Regulations.gov* for public review. Parties who submitted comments included titanium industry participants, representatives of state and local governments, foreign governments, and other concerned parties.

All comments were then opened for a rebuttal period ending on May 22, 2019. Four rebuttal comments from titanium industry participants and other stakeholders were received and posted on *Regulations.gov* for public review.

All public comments were reviewed and factored into the investigative process. All public comments received are summarized in Appendix C, along with a link to the *Regulations.gov* docket (BIS–2018–0027) where comments can be viewed in full.

C. Information Gathering and Data Collection Activities

In order to gain insight into the U.S. titanium sponge industry, information gathering activities and meetings were held with representatives of domestic and international titanium sponge producers, titanium end users, industry associations, foreign governments, and other parties with an interest in the U.S. titanium sponge industry.

Due to the limited number of firms engaged in the U.S. titanium sponge industry, it was determined that a public hearing was not necessary in order to conduct a comprehensive investigation. In lieu of holding a public hearing on this investigation, the Department issued surveys (*See* Appendices D and E) to all participants in the U.S. titanium sponge industry as well as a representative sample of downstream consumers of titanium products. These surveys collected both qualitative and quantitative information. The first survey was designed for titanium sponge and semi-fabricated titanium product producers and was distributed to 10 organizations. The second survey was sent to 17 organizations, representative of downstream consumers of titanium products, including aerospace and other firms. The surveys provided an opportunity for organizations to disclose confidential and non-public information needed by the Department to conduct a thorough investigation.

These mandatory surveys were conducted pursuant to Section 705 of the Defense Production Act (DPA) of 1950, as amended (50 U.S.C. 4555), and collected data on imports/exports, production, capacity utilization, employment, operating status, global competition, and financial information. The resulting aggregate data provided the Department with detailed industry information that is otherwise not publicly available and was necessary to conduct analysis for this investigation.

Responses to the Department's questionnaires were mandatory (*See* 50 U.S.C. 4555). Information furnished in the survey responses is deemed confidential and will not be published or disclosed except in accordance with Section 705 of the DPA. Section 705 of the DPA prohibits the publication or disclosure of this information unless the President determines that the withholding of such information is contrary to the interest of the national defense. Information will not be shared with any non-government entity other than in aggregate form.

D. Interagency Consultation

The Department consulted with the Department of Defense, including the Office of Industrial Policy and the Defense Logistics Agency, regarding methodological and policy questions that arose during the investigation.

The Department also consulted with other U.S. Government agencies with expertise and information regarding the domestic and global titanium sponge industries, including the Department's International Trade Administration, the Department of the Interior's U.S. Geological Survey, the Department of State, and the White House Office of Trade and Manufacturing Policy.

IV. Product Scope of the Investigation

The scope of this investigation defines titanium sponge at the Harmonized Tariff Schedule of the United States (HTS) 10-digit level. The product and its associated HTS code are provided in Figure 1 below.

Figure 1. Titanium Sponge Product Scope of the Investigation	
Heading/Subheading/Product	**10 Digit HTS Code**
Titanium Sponge	8108.20.0010
Source: United States International Trade Commission and U.S. Department of Commerce, Bureau of Industry and Security	

The HTS code includes all grades of titanium sponge, including standard grade and premium grade (aerospace non-rotating and aerospace rotating).[22] TIMET, the only operating U.S. titanium sponge facility, and Allegheny Technologies Incorporated (ATI), with an idled facility (2016), are the only two domestic companies with the capability and capacity to produce the types of titanium sponge included in the scope of this investigation. Though the HTS code also includes ''ultra-high purity'' titanium sponge, this type of sponge is not considered in the investigation. Ultra-high purity sponge is not used in conventional industrial titanium metal applications and is exclusively used for electronics manufacturing. Material from the one facility in the U.S. producing ultra-high purity sponge is not certified for aerospace applications.[23] Neither TIMET nor ATI have produced ultra-high purity sponge.

Titanium sponge is the necessary intermediate product between unprocessed titanium ore and titanium ingot and other downstream titanium products. For the purposes of this investigation, some downstream products including items such as titanium ingot and billet, titanium bar, titanium rod, titanium wire, titanium plate and sheet, and other titanium products, are examined in order to understand the titanium industry as a whole.

Another product examined is titanium scrap. Scrap is included because it can be used as a source of feedstock for titanium melting operations in addition to and in lieu of titanium sponge. U.S. melters are increasingly using both U.S. and non-U.S. origin scrap as feedstock for their melting operations.[24] The titanium scrap that is produced and re-used in the U.S. is reliant on the availability of imported sponge for initial titanium production. Increased reliance on import-dependent titanium scrap, coupled with an increasing reliance on imported titanium sponge, highlights the growing concern that imports pose to both the titanium sponge producers as well as the U.S. downstream titanium industry.

The investigation also considers titanium consumption in aerospace and defense applications, including titanium parts used in airframe and engine assembly in addition to land and naval turbines. In addition, titanium use in critical infrastructure applications is included in overall consumption calculations.

V. Background on the U.S. Titanium Industry

The U.S. began producing titanium metal for industrial applications in the mid-20th century.[25] Titanium, which is principally found in ilmenite and rutile ores, is required for production of two broad types of titanium product. The largest market for titanium, accounting for 93 percent of global titanium feedstock consumption, is the production of titanium dioxide pigment, which is used in applications such as papers, paints, and plastics.[26] The second major market includes the production of titanium sponge for use in titanium metal semi-finished goods and titanium metal finished goods. Less than five percent of titanium feedstock is used in this market, which includes defense, commercial aerospace, and industrial end-use products.[27]

Titanium sponge is the source material needed to produce titanium metal products used in defense, commercial aerospace, and industrial applications. Titanium sponge is melted to produce titanium ingots, billets, and other downstream titanium goods and finished products such as titanium bar, titanium plate, titanium tube, titanium coil, and titanium sheet. It is important to note that titanium dioxide pigment and titanium sponge production are not interchangeable; titanium dioxide pigment cannot be converted into titanium sponge.

Though the U.S. is a significant global consumer and supplier of titanium products, there is only one remaining domestic producer capable of manufacturing titanium sponge for industrial and defense applications (*See* Figure 2). The other U.S. producer of titanium sponge, ATI, idled operations in late 2016. Honeywell Electronics Materials maintains limited capacity and capabilities to produce ultra-high purity titanium sponge at their facility in Utah, but the applications of this type of sponge are limited to specific electronic uses. Honeywell is not considered a source of titanium sponge production for defense and industrial applications.

[22] Most titanium sponge is classified by its intended end use. Standard grade sponge is used for manufacturing and other routine industrial uses. Aerospace non-rotating grade sponge is used in static aerospace structural parts such as wing spars. Aerospace rotating grade sponge is used in high performance aerospace applications, such as engines and landing gear. Each of these grades has different chemistry and quality requirements established by end users.

[23] Honeywell Electronic Materials ''Honeywell Sodium-Reduced Titanium Sponge'' (2010). In the United States, this type of titanium sponge is manufactured by Honeywell Electronic Materials at a facility in Bountiful, Utah. [TEXT REDACTED].

[24] More information on scrap usage can be found in Chapter VII.

[25] Laurel G. Woodruff, George M. Bedinger, and Nadine M. Piatak, ''Titanium: Chapter T of Critical Mineral Resources of the United States—Economic and Environmental Geology and Prospects for Future Supply''. United States Geological Survey, Vienna, VA (2017), *https://pubs.usgs.gov/pp/1802/t/pp1802t.pdf,* T1.

[26] Ibid, T2.

[27] Ibid.

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[TEXT REDACTED]					

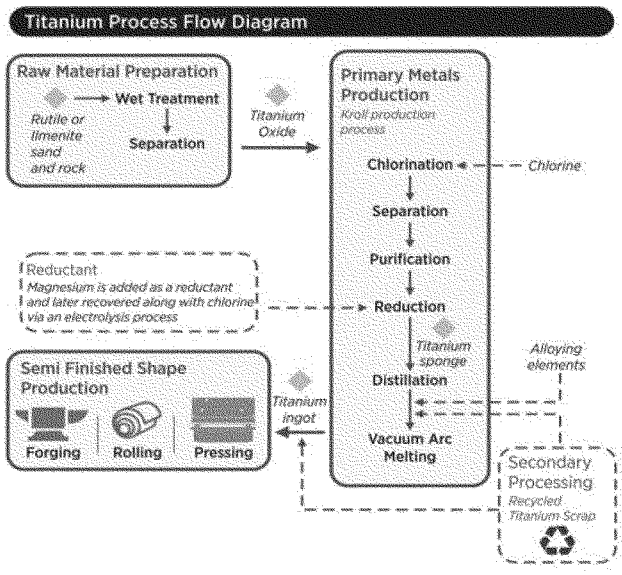
A. Titanium Sponge Manufacturing

The sponge production process must start with the conversion of titanium ore into a usable form. This is achieved through the blending of titanium feedstock, including rutile and ilmenite concentrates and titanium slag, with petroleum coke.[28] The concentrate/coke mixture is then exposed to chlorine in a fluid bed reactor at high temperatures. The resulting product is titanium tetrachloride ($TiCl_4$). TIMET manufactures $TiCl_4$ on-site at its Henderson facility for use in sponge manufacturing.[29] Other U.S. producers of $TiCl_4$ include Chemours's facility in New Johnsonville, Tennessee and Cristal's facility in Ashtabula, Ohio.[30] However, the $TiCl_4$ produced by these firms is primarily used for titanium dioxide production for use in the pigments market. Once $TiCl_4$ has been produced or obtained, it can then be transformed into titanium sponge through two primary processes described below.

1. Kroll Process

The Kroll process, which was devised in the 1930s by chemist William Kroll and commercially deployed in 1948, is the principal method for producing titanium sponge. Currently all global producers of titanium sponge for aerospace and other industrial applications use the Kroll process. Figure 3 below shows the Kroll process in more detail.

Figure 3. – Kroll Process



Note: The above diagram shows sponge melted via the vacuum arc re-melting (VAR) process. VAR is not the only titanium melting process used in the United States. Cold-hearth melt processes, including electron beam and plasma melting, are also used.

Source: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, "Bandwidth Study on Energy Use and Potential Energy Savings Opportunities in U.S. Titanium Manufacturing"

The Kroll process involves several steps. First, a pressurized steel vessel is filled with argon and magnesium enabling the reduction of $TiCl_4$.[31] The vessel is then heated to approximately 1,470 to 1,650 degrees Fahrenheit, and $TiCl_4$ is slowly introduced into the vessel.[32] The combined chemical and heat reaction causes the magnesium to react with the $TiCl_4$.[33] Two products are left following the reaction: Titanium metal and magnesium chloride ($MgCl_2$).

[28] Most $TiCl_4$ production in the United States is done using rutile ore and a certain variety of slag. TZ Minerals International Pty Ltd, ''Titanium Feedstock Market Dynamics 2010: Outlook to 2018'', 24.

[29] U.S. production of rutile and ilmenite ore is limited; in 2018, U.S. production of these minerals accounted for just 5.7 percent of the world's combined rutile and ilmenite production. Petitioner obtains its rutile and ilmenite feedstock from Australia and South Africa. U.S. Geological Survey, ''Titanium Mineral Concentrates'' (2019), 177, *https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs-2019-timin.pdf.*

[30] Ibid.

[31] Steven J. Gerdemann, ''Titanium Process Technologies'', *Advanced Materials and Processes* (July 2001), *https://www.asminternational.org/documents/10192/1755977/amp15907p041.pdf/292e9b8e-d88a-4a72-b67a-b1d8c7904baf,* 41.

[32] Ibid.

[33] Ibid.

The $MgCl_2$ and any remaining unreacted magnesium are removed from the vessel, leaving only the titanium metal.[34] Due to its porous properties, the titanium metal produced in this process is colloquially known as titanium sponge. After production, the sponge is sheared and crushed into smaller pellets for storage and eventual melt.

2. Hunter Process

There have been limited attempts to develop alternatives to the Kroll process. The only current active commercial alternative to the Kroll process in the United States is the Hunter process, which is used at Honeywell Electronic Materials' plant in Bountiful, Utah.[35]

The Hunter process differs primarily in its use of sodium instead of magnesium during the production process. Use of sodium allows for the creation of a higher-purity sponge, albeit at a higher overall cost. Consequently, sponge produced by the Hunter process is almost exclusively used for manufacturing semiconductors.[36]

B. History of U.S. Titanium Sponge Production

Titanium sponge production in the United States began in 1938 with a demonstration of the Kroll process funded by the Bureau of Mines. During the Second World War, the U.S. government continued to fund research into the Kroll process and scalability for commercial production; a pilot production facility was completed in 1942.[37] Commercial production began in 1947 when E.I. du Pont de Nemours and Company (DuPont) opened a large scale production line. By 1952, DuPont's facility produced more than 800 metric tons of sponge per year.[38]

Increased aerospace industry demand for titanium encouraged entry into the titanium market. TIMET was founded in January 1950 as a joint venture by the National Lead Company and Allegheny Ludlum Steel Corporation.[39] TIMET opened a titanium sponge production line in Henderson, Nevada in 1951 which is still in service today. By 1957, U.S. titanium sponge production capacity stood at 33,100 metric tons per year, with an estimated actual production of 15,600 metric tons.[40]

U.S. government support was instrumental in setting up the domestic titanium sponge industry. After funding multiple sponge research projects, the General Services Administration (GSA) began a comprehensive investment program for commercial production. Beginning in August 1951, GSA advanced capital for the fixed investment costs in titanium sponge plant capacity as part of a contract to purchase a portion of plant output at specified prices or engaged in other contractual agreements. These arrangements were essentially government-backed loans.[41] By the time the program ended in September 1955, it had resulted in contracts with five companies and created 21,000 tons of capacity.[42]

The United States was not alone in developing a titanium sponge industry. Imperial Chemicals Industries opened a titanium sponge production line in the United Kingdom in 1948. Japanese production began with Osaka Titanium Company in 1952, and, by 1954, five Japanese companies had opened titanium sponge production facilities with a combined capacity of 611 metric tons. The Soviet Union also opened three titanium sponge plants during the same period. These foreign competitors then began to challenge previous U.S. dominance of the titanium sponge industry. Sponge imports into the United States were first reported in 1956. By 1967, sponge imports accounted for one-third of all U.S. sponge consumption.[43]

Increased competition from foreign imports and fluctuating demand caused consolidations and closures of U.S. sponge manufacturers. In 1984, there were five plants producing titanium sponge totaling 30,400 metric tons of capacity.[44] By 1987, Teledyne Wah Chang in Albany, Oregon and Western Zirconium in Utah had closed their facilities, leaving a capacity of 25,400 metric tons.

These closures left three active sponge plants: TIMET's Henderson, Nevada facility, Oremet's Albany, Oregon plant, and a joint USX-National Distillers and Chemicals Corporation facility (later RTI International Metals, now Arconic) in Ashtabula, Ohio. Oremet's Albany plant was later sold to ATI and reactivated for a time in the 1990s and 2000s. RMI Titanium closed the Ashtabula facility in 1992,[45] and ATI finally ended operations at the Albany plant in 2009 to coincide with the opening of their new Rowley, Utah facility.[46] During the same period, TIMET upgraded its operations at the Henderson plant to include a modern vacuum distillation plant, built with technology licensed from Toho Titanium Company.

In September 2007, to support its contracts with Airbus, RTI International Metals announced plans to build a 9,000 metric ton titanium sponge plant in Hamilton, Mississippi.[47] However, due to cost concerns and market conditions, the company cancelled construction of the plant in December 2009 and instead opted to sign new long-term supply agreements with Japanese producer Osaka Titanium Technologies Co. Ltd (OTC).[48]

ATI broke ground on a new titanium sponge plant in Rowley, Utah in 2006, with operations beginning at the facility at the end of 2009.[49] The Rowley facility did not have on-site $TiCl_4$ production capability and ATI had to source the material from other suppliers.[50]

[34] Ibid.

[35] Honeywell Electronic Materials ''Honeywell Sodium-Reduced Titanium Sponge'' (2010).

[36] [TEXT REDACTED].

[37] National Academy of Sciences—National Academy of Engineering, ''Direct Reduction Processes for the Production of Titanium Metal'', (March 1974), *https://pdfs.semanticscholar.org/a101/06d88ae79a959156b3cfb6b45d2ad0372fe9.pdf*, 5.

[38] F.H. Froes, ed., ''Titanium—Physical Metallurgy, Processing, and Applications'', (2015), *https://www.asminternational.org/documents/10192/1849770/05448G_Sample.pdf/0cceaefd-da84-49d9-9ca4-1f95eb9fc304*, 1.

[39] Ibid., 2.

[40] Ibid.; USGS, ''Titanium Sponge Statistics'' (January 19, 2017).

[41] U.S. Department of Justice, ''Review of Voluntary Agreements Program Under the Defense Production Act: Titanium Metal Industry'' (May 9, 1957), 11.

[42] Ibid.

[43] Ibid. In 1967, 81 percent of all U.S. imports came from the United Kingdom and Japan and the remaining 19 percent came from the Soviet Union. United States Tariff Commission, ''Titanium Sponge from the U.S.S.R.'' (July 1968), 21.

[44] F.H. Froes, ed., ''Titanium—Physical Metallurgy, Processing, and Applications'', 3.

[45] Unlike its contemporaries, the Ashtabula plant used the Hunter process instead of the Kroll process. Paul C. Turner, Alan Hartman, et al. ''Low Cost Titanium—Myth or Reality'', U.S. Department of Energy, Office of Scientific and Technical Information (2001), *https://www.osti.gov/servlets/purl/899609*, 3.

[46] Frank Haflich, ''ATI sponge plant closure seen a non-issue'', *Fastmarkets AMM* (January 31, 2014), *https://www.amm.com/Article/3304541/ATI-sponge-plant-closure-seen-a-non-issue.html*.

[47] Donna Ladd, ''Breaking: RTI to Build Titanium Sponge Plant in Mississippi'', *Jackson Free Press* (September 17, 2007), *http://www.jacksonfreepress.com/news/2007/sep/17/breaking-rti-to-build-titanium-sponge-plant-in/*.

[48] Wally Northway, ''RTI puts plant on hold indefinitely'', *Mississippi Business Journal* (December 16, 2009), *https://msbusiness.com/2009/12/rti-puts-plant-on-hold-indefinitely/*.

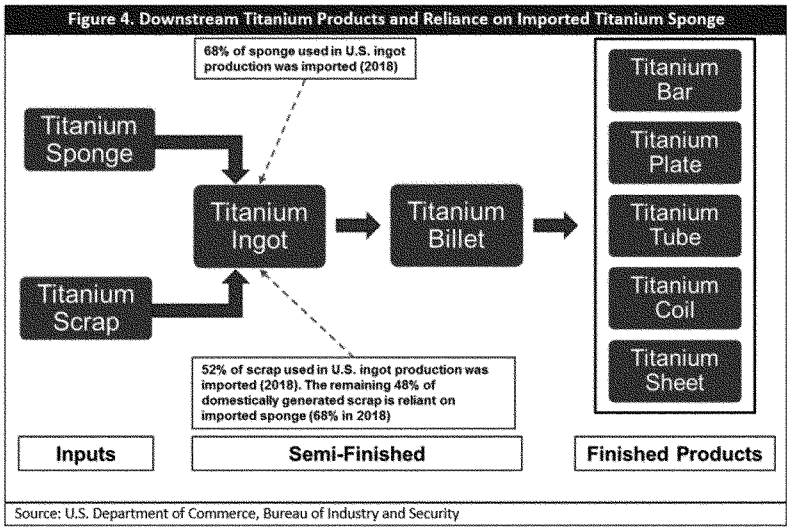
[49] ''(AMM) ATI's Rowley titanium sponge plant launched'', *Fastmarkets AMM* (January 15, 2010), *https://www.metalbulletin.com/Article/2374249/AMM-ATIs-Rowley-titanium-sponge-plant-launched.html*.

[50] ATI obtained $TiCl_4$ from a supplier in Ohio and shipped it via rail to the Rowley plant. The liability costs associated with shipping $TiCl_4$ were one of the factors contributing to ATI's decision to idle the plant. Allegheny Technologies Incorporated, ''Comments on Section 232 National Security Investigation of Imports of Titanium Sponge'', pp. 16–17.

Reliance on external suppliers and increased production costs at Rowley, combined with decreasing global titanium sponge prices, influenced ATI's decision to idle the plant in August 2016.[51] [TEXT REDACTED][52]

TIMET's Henderson facility has been the only operating U.S. titanium sponge production facility since 2017. [TEXT REDACTED] [53] [TEXT REDACTED] [54]

Understanding the role of titanium sponge in downstream titanium goods production is imperative to understanding the threat imports pose to the national security. Figure 4 outlines the general flow of inputs to outputs in the titanium products market and highlights the U.S. titanium industry's reliance on imports of titanium sponge and scrap.



C. Titanium Melting and Finished Titanium Products

Once produced, titanium sponge must then be melted before it can be fabricated into ingot or slab suitable for downstream use.[55] In the United States, four companies have titanium melt capacity: TIMET, Allegheny Technologies Incorporated (ATI), Arconic, and Perryman (*See* Figure 5).

[TEXT REDACTED]		
[TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED]	[TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED]	[TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED] [TEXT REDACTED]
[TEXT REDACTED]		

[TEXT REDACTED] These firms' capacity utilizations indicate overall company health. On average, the four firms' titanium melting operations had an average capacity utilization of 83 percent in 2018. Similarly, the firms' titanium milling operations had an average capacity utilization of 74 percent in 2018. High capacity utilization rates for melting and milling operations are attributable to strong demand for titanium products from the aerospace, medical, and petrochemical sectors.

Employment figures also suggest a healthy business outlook for the melters. [TEXT REDACTED] reported an average 21 percent increase in the number full-time employees between 2015 and 2019. [TEXT REDACTED] indicated a [TEXT REDACTED] decrease in full-time employees over the same period, this decrease can be attributed to [TEXT REDACTED].

Although the U.S. titanium melting industry is broadly healthy, it remains vulnerable to a potential national emergency. These melters, as will be discussed in Chapter VII, are dependent on non-U.S. sources for much of their titanium sponge and titanium scrap feedstock. If these sources are lost, U.S. titanium melters would be unable to supply vital national defense and critical infrastructure applications.

[TEXT REDACTED]

[TEXT REDACTED]

[51] Allegheny Technologies Incorporated, ''Allegheny Technologies Announces Actions to Improve Future Financial Performance'', (August 24, 2016), *https://www.businesswire.com/news/home/20160824006136/en/Allegheny-Technologies-Announces-Actions-Improve-Future-Financial.*

[52] [TEXT REDACTED].

[53] [TEXT REDACTED].

[54] [TEXT REDACTED].

[55] Two processes are used for melting titanium: Vacuum arc re-melting (VAR) and hearth melting. The VAR process involves placing the metal in a crucible in a vacuum-sealed furnace; the metal is melted using an electric arc and then formed into an ingot. The hearth melting process uses electron or plasma beams to melt the sponge in a water-cooled hearth; the melted material then forms an ingot.

[TEXT REDACTED]

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[TEXT REDACTED]

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Four notable U.S. firms use titanium in their finished products: [TEXT REDACTED] Further information on their titanium usage are outlined below in Figures 10 through 13.

These four end-user companies provide a snapshot of the types of finished titanium products that U.S. companies manufactured in 2018, as well as the sectors that these finished products supported. Both commercial and defense sectors are supported by these companies, and some exported a significant portion of their commercial titanium products. These exports highlight the demand for U.S.-produced titanium products and stress the health of this particular part of the U.S. titanium supply chain.

Despite the health of these companies, it is important to note that the four titanium melters which supply titanium goods to these end users are reliant on imports of titanium sponge and scrap for production. End users are therefore indirectly subjected to the same potential risks as their titanium suppliers. The inter-dependency between these companies emphasizes the entirety of the U.S. titanium supply chain's dependency on imports of titanium sponge and scrap and vulnerability to the associated national security threat.

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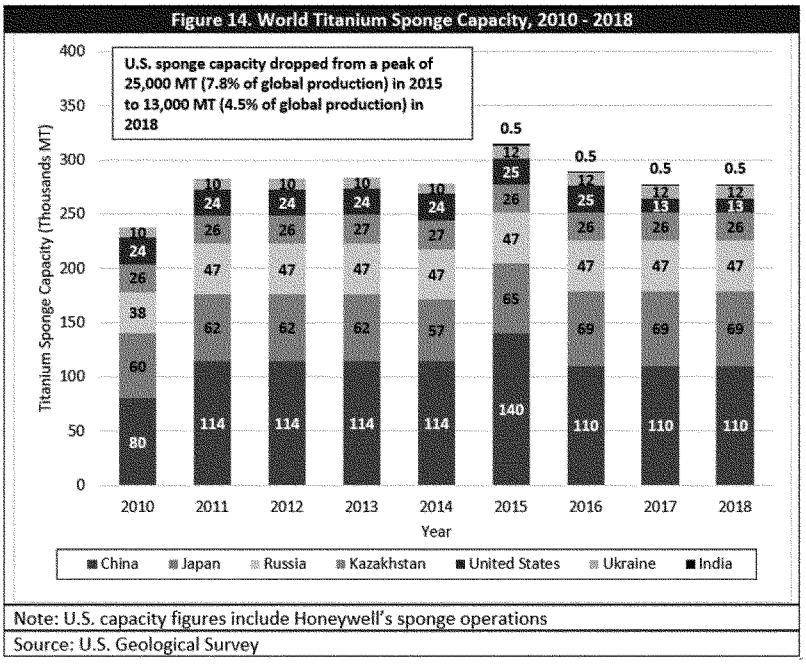
VI. Global Titanium Sponge Industry Conditions

A. Overview

Only a few countries possess the capability to manufacture titanium sponge due to the significant capital investment and supporting infrastructure required to maintain and operate facilities. Figure 14 below identifies countries with titanium sponge production capacity. Over the 2010–2018 period, countries such as China, Japan, and Russia saw capacity growth rates between 15 and 38 percent; in contrast, the U.S. experienced a 46 percent decline. The sole operating U.S. facility has [TEXT REDACTED] of capacity, which is among the smallest worldwide.[56]



Many of the major non-U.S. producers of titanium sponge opened their facilities in the immediate post WWII period to fulfill burgeoning aerospace demand. Plants in Russia (now VSMPO-Avisma) and Kazakhstan (now UKTMP), which were commissioned in the 1950s and 1960s to serve Soviet military aerospace demand, are examples of these. Since the collapse of the Soviet Union, VSMPO-Avisma and UKTMP have shifted their focus towards civilian applications. VSMPO-Avisma, as will be detailed in Chapter VII, has built extensive supplier relationships with Boeing, Airbus, and other Western aerospace firms. UKTMP has pursued similar relationships with aerospace firms and has also entered into joint ventures with Korean and French firms to expand its ingot and slab manufacturing capabilities.

Although VSMPO-Avisma and UKTMP have diversified their product offerings, the two companies remain prominent global producers of sponge. During the 2015–2018 period, both VSMPO-Avisma's and UKTMP's production levels remained constant at 26,000 metric tons and 47,000 metric tons respectively. Combined, these firms account for approximately 25 percent of global production.

China, India, and Saudi Arabia are more recent entries into the global market. China's sponge production capacity, which stood at 7,000 metric tons in 1998, increased by nearly 1,500 percent to 110,000 metric tons in 2018.[57] This increase in capacity has not yet resulted in an increased supply of Chinese sponge on the global market, as Chinese production is principally for domestic consumption at this time. However, China is expected to participate in the global titanium sponge market in the coming years once domestic needs are satisfied. Chinese titanium sponge development, as will be described in a subsequent section, is a key part of Chinese government initiatives to develop the country's defense industrial base, particularly the aerospace sector. Japanese and other titanium sponge producers have limited to no access to the Chinese market for sponge.

India's sponge plant, which has a capacity of 500 metric tons and came online in 2015, was built to address titanium needs for the country's space program and is not yet intended for

[56] The figure provided on this graph includes Honeywell Electronic Materials' 500 MT facility which produces ultra-high purity sponge for use in electronic applications. This type of sponge is not considered in the investigation. [TEXT REDACTED].

[57] U.S. Geological Survey, Titanium and Titanium Dioxide (1999), *https://s3-us-west-2.amazonaws.com/prd-wret/assets/palladium/production/mineral-pubs/titanium/670399.pdf.*

commercial production. In contrast, Saudi Arabia's plant is part of the country's economic diversification strategy. Owned by a joint venture of Saudi firms Tasnee and Cristal and Japanese sponge producer Toho, the Saudi plant's 15,600 metric ton capacity rivals existing plants in the United States, Ukraine, Russia, and Japan and began operations in September 2019.[58]

Several factors have driven new entries into the titanium sponge market and expansions of existing capacity. One of these is significant commercial aircraft production backlogs at Boeing and Airbus. As of June 2019, Boeing had an estimated seven year backlog of 5,733 aircraft and Airbus reported an estimated nine year backlog of 7,276 aircraft.[59] Meeting these orders will require increased production of titanium parts, which will require increased production of titanium sponge. Growth in shipbuilding, particularly in China and the Republic of Korea, is also driving demand for titanium.[60] Titanium has growing maritime applications, including in marine turbines, propeller shafts, and various exhaust and piping systems. Expansions in global petrochemical and power generation industries are also raising demand for titanium parts.[61]

Production follows a similar pattern of non-U.S. increases and U.S. decreases. As shown in Figure 15 below, Chinese, Russian, and Japanese production levels increased between 21 and 63 percent over the 2010 to 2018 period. Although U.S. production data before 2015 is unavailable, U.S. production decreased [TEXT REDACTED] between 2015 and 2018.

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

B. Prior Trade Investigations

The United States Government has examined previous allegations of dumping and subsidies for the titanium sponge industry (*See* Figure 16). A review of these cases can be found in Appendix F.

Figure 16. Trade Investigations of Titanium Sponge, 1968 - 2017

Country	Date	Determination	Action
Union of Soviet Socialist Republics	April 1968	Affirmative	Antidumping duty order issued on imports from the U.S.S.R.
United Kingdom and Japan	January 1984	Affirmative for Japan, Negative for the U.K.	Antidumping duty order issued on imports from Japan
Japan, Kazakhstan, Russia, and Ukraine	August 1998	Negative	Antidumping duty orders on Japan, Kazakhstan, Russia, and Ukraine revoked
Japan and Kazakhstan	November 2017	Negative	No indication of injury to domestic industry from Japanese or Kazakhstani sponge imports

Source: U.S. International Trade Commission

C. U.S. Duties on Titanium Sponge Imports

As of November 2019, all titanium sponge imported into the United States is subject to a 15 percent duty rate.[62] However, U.S. firms importing titanium sponge generally do not pay this rate due to the drawback provisions of 19 CFR part 191. Under 19 CFR part 191, manufacturers are able to claim drawback:

''upon the exportation [of articles] . . . which are not used in the United States prior to their exportation or destruction, and which are manufactured or produced in the United States, wholly or in part with the use of particular imported, duty-paid merchandise and/or drawback products.'' [63]

In other words, a titanium manufacturer that imports sponge and then uses it to manufacture an ingot or other downstream titanium product that is exported to another country can claim drawback on the 15 percent duty paid

[58] ''Tasnee postpones its titanium sponge project to H2 2019'', *Argaam,* (June 25, 2019), *https://www.argaam.com/en/article/articledetail/id/615205.*

[59] J. Kasper Oestergaard, ''Airbus and Boeing Report June 2019 Commercial Aircraft Orders and Deliveries''< Defense and Security Monitor—Forecast International'' (July 16, 2019), *https://dsm.forecastinternational.com/wordpress/2019/03/15/airbus-and-boeing-report-february-commercial-aircraft-orders-and-deliveries/.*

[60] Argus Metals, ''Feed shortage hampers world Ti sponge ramp up,'' (May 16, 2019), *https://metals.argusmedia.com/newsandanalysis/article/1904225.*

[61] Ibid.

[62] Harmonized Tariff Schedule of the United States (2019) Revision 14, Chapter 81, Metals, Cermets, Articles Thereof, 8108.20.0010.

[63] U.S. Code of Federal Regulations Title 19, Part 191.21.

on the sponge. Titanium manufacturers also benefit from the provision of 19 CFR part 191 that allows for a degree of substitution between industrial inputs. U.S. manufacturers have agreements with U.S. Customs and Border Protection that permit them to substitute scrap for sponge in drawback claims, thus allowing them to reclaim some of the duty paid without having to use the physical sponge associated with that duty amount.[64]

Some titanium producers have argued that the existing tariff harms the U.S. industry's overall competitiveness. As all producers other than TIMET are 100 percent dependent on imported sponge, U.S. producers must pursue the drawback process to recover the duty paid. In contrast, certain downstream goods made with significant quantities of titanium, including aircraft parts, can be imported into the United States duty-free.[65]

VII. Findings

A. Titanium Sponge is Essential to U.S. National Security

As discussed in Chapter II, ''national security'' under Section 232 includes both national defense requirements and critical infrastructure applications.

The vast majority of titanium sponge is used to satisfy civilian aerospace and other industrial applications (*See* Figure 17).

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1. Titanium Sponge Is Required for National Defense Systems

Titanium metal, and, by extension, titanium sponge, is a critical material for many U.S. defense systems.[66] As a lightweight and durable material, titanium has been incorporated into U.S. military aircraft, including fighter jets, bombers, attack aircraft, transports, and helicopters. Newer aircraft use increased amounts of titanium compared to earlier generations of aircraft, as illustrated in Figure 18.

Figure 18. Titanium Content in Select U.S. Military Airframes

Airframe	Introduction into Service	% of Titanium Content
CH-47 Chinook	1962	8%
F-15 Eagle	1976	10%
F-16 Fighting Falcon	1978	7%
F/A-18 Hornet	1984	12%
F-22 Raptor	2005	39%
V-22 Osprey	2007	31%
F-35 Lightning II	2015	20%
Military airframes entering service after 2000 have an average **30 percent** titanium content; airframes entering service prior to 2000 had an average of just **9 percent**.		
Source: Arconic Engineered Structures, "World Titanium Trends in Defense", Presentation at the Titanium USA conference, September 24, 2019		

Titanium is also used for ground vehicle armor and frames, as well as naval vessel components. A brief listing of U.S. defense systems using titanium metal can be found in Appendix G.

Congress has recognized the defense importance of titanium metal, including titanium sponge, through legislation. In

[64] Until 2018, titanium manufacturers could reclaim up to 99 percent of the duty paid through the drawback process. In 2015, the Trade Facilitation and Trade Enforcement Act (TFTEA) introduced a ''lesser of'' provision that calculates the drawback amount based on the ''lesser of'' (a) the value of duties, taxes, and fees paid on the imported material or (b) the value of duties, taxes, and fees that would have been paid on the substitute material if it had been imported. TIMET calculates that this will cap drawback recovery at approximately 66 percent of total duty paid for most manufacturers. U.S. Customs and Border Protection and the Treasury Department, ''Modernized Drawback: A Proposed Rule'', **Federal Register** vol. 83, 37886–37990. *https://www.federalregister.gov/documents/2018/08/02/2018-16279/modernized-drawback* and Titanium Metals Corporation, Petition for Relief under Section 232, Exhibit 16.

[65] Harmonized Tariff Schedule of the United States (2019) Revision 14, Chapter 88, Aircraft, Spacecraft, and Parts Thereof.

[66] The distinction between metal and sponge is made because sponge is an intermediate product. Titanium sponge is one of several sources of potential feedstock for titanium metal, including scrap titanium and titanium slag.

1973, Congress expanded the Berry Amendment (10 U.S.C. § 2533a) to include what it defined as ''specialty metals.'' [67] This addition, commonly known as the ''Specialty Metals Clause,'' requires that certain metals procured by DoD for defense use must be melted or produced in the United States or a qualifying country.[68] Both titanium and titanium alloys are covered by the Specialty Metals Clause.[69] Although the clause does not require that titanium sponge be of U.S. origin, the domestic melt requirement conveys a Congressional recognition of domestic titanium's overall importance to U.S. defense objectives and the criticality of titanium sponge to defense needs.

Though titanium is a key component of many defense systems, defense requirements are a small fraction of overall titanium demand. Consequently, U.S. titanium sponge production depends on the industry's commercial viability and continued ability to supply civilian needs for titanium metal.

While the United States does not currently maintain a stockpile of titanium sponge, a stockpile was maintained for over 50 years. Beginning in 1954, the Defense National Stockpile Center (DNSC) maintained a substantial stockpile of titanium sponge pursuant to the Strategic and Critical Minerals Stockpiling Act. The DNSC initially envisioned that the stockpile would be of sufficient size to supply peak consumption by downstream industry for up to one year. The exact yearly figure has not been publicly released, however, it was estimated to include up to 25,964 short tons (23,554 MT) of stockpile grade in 1994.[70] Following the end of the Cold War, Congress determined that the stockpile was no longer required and authorized its disposal in 1997; all material was sold off by 2005.[71]

2. Titanium Sponge Is Required for Critical Infrastructure

Titanium sponge is also required to satisfy U.S. critical infrastructure needs. As noted earlier, U.S. civilian industries consume roughly [TEXT REDACTED] of all titanium sponge produced each year. The Department's definition of critical infrastructure follows the sectors identified in Presidential Policy Directive 21 (PPD–21) (*See* Figure 19).[72]

Figure 19. U.S. Critical Infrastructure Sectors - 16

Chemical	Commercial Facilities	Communications	Critical Manufacturing
Dams	Defense Industrial Base	Emergency Services	Energy
Financial Services	Food and Agriculture	Government Facilities	Information Technology
Nuclear Reactors, Waste, and Materials	Transportation Systems	Water and Wastewater Systems	Healthcare and Public Health

Source: Presidential Policy Directive 21, February 21, 2013

Of these 16 sectors, titanium sponge most regularly supports the Transportation Systems sector. This sector includes commercial passenger and cargo aviation and related aircraft engines, which carried approximately 841 million passengers [73] and 27.8 million revenue tons of cargo [74] in 2018. Almost all modern passenger and cargo aircraft and related engines contain significant amounts of titanium. For example, a completed Boeing 787 Dreamliner requires approximately 24.9 metric tons of titanium for its manufacture; [75] and the similarly sized Airbus A350 requires approximately 27.4 metric tons of titanium.[76] Passenger aircraft manufacturers are using increasing amounts of titanium due to titanium's unique properties.

Although the aerospace sector is the largest single consumer of titanium, other sectors also require titanium. The U.S. Geological Survey estimates that approximately 20 percent of titanium sponge or 19,000 metric tons per year, is used for non-aerospace applications.[77] Oil, gas, and other petrochemical industries and nuclear reactors typically use titanium for heat

[67] The Fiscal Year 2007 National Defense Authorization Act removed this requirement from the Berry Amendment and separately established it in 10 U.S.C. 2533b. Valerie Bailey Grasso, ''The Specialty Metal Clause: Oversight Issue sand Opinions for Congress'', *Congressional Research Service* (February 6, 2014), 1.

[68] As defined by DFAR 252.225–7001, qualifying countries are defined as those countries which have reciprocal defense procurement memorandums of understanding or other similar international agreements with the United States. These countries include Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Israel, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Turkey, and the United Kingdom.

[69] Ibid.

[70] DNSC distinguished between stockpile grade and non-stockpile grade titanium sponge. In 1994, for example, the DNSC stockpile included 25,964 short tons of stockpile grade sponge and 10,866 short tons of non-stockpile grade sponge. U.S. Geological Survey, ''Minerals Yearbook: Titanium'' (1994), 1. *https://s3-us-west-2.amazonaws.com/prd-wret/assets/palladium/production/mineral-pubs/titanium/670494.pdf.*

[71] Seong, Younoussi and Goldsmith, ''Titanium: Industrial Base, Price Trends, and Technology Initiatives'', 38.

[72] PPD–21 was also used in the Department's 2018 Section 232 investigations on steel and aluminum, as well as the 2019 investigation on uranium. The White House, Office of the Press Secretary, ''Presidential Policy Directive—Critical Infrastructure Security and Resilience'', (February 12, 2013), *https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil.*

[73] U.S. Department of Transportation, Bureau of Transportation Statistics, ''Table 1B. 2018 Passengers on U.S. and Foreign Airlines by Origin and Destination'', *https://www.bts.gov/table-1b-2018-passengers-us-and-foreign-airlines-origin-and-destination.*

[74] U.S. Department of Transportation, Bureau of Transportation Statistics, ''Air Cargo Summary Data October 2002—February 2019)'', *https://www.transtats.bts.gov/freight.asp?pn=0&display=data2.*

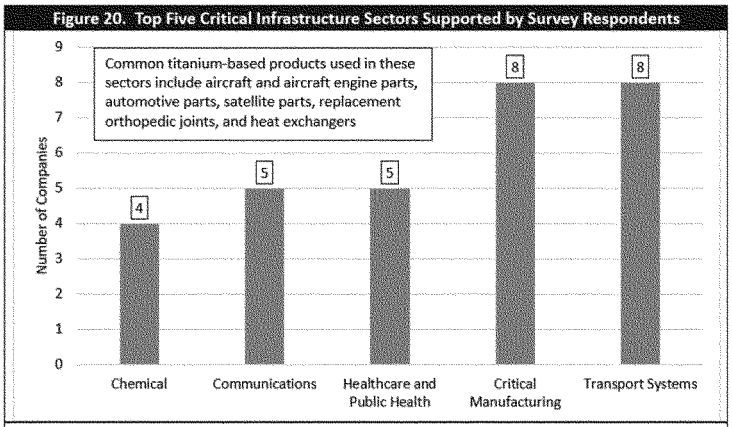
[75] Alwyn Scott, ''Boeing looks at pricey titanium bid to stem 787 losses'', *Reuters* (July 24, 2015), *https://www.reuters.com/article/us-boeing-787-titanium-insight-idUSKCN0PY1PL20150724.*

[76] AZO Materials, ''The A350 XWB—Advanced Materials and Design'', (November 26, 2012), *https://www.azom.com/article.aspx?ArticleID=7858.*

[77] U.S. Geological Survey, ''Titanium and Titanium Dioxide: 2019'', *https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs-2019-titan.pdf,* 174.

exchangers, pressure vessels and piping systems. Titanium is used due to its corrosion resistance and endurance for high pressure, high temperature uses. These properties also make titanium a suitable material for use in power generation applications. Many modern electrical turbines include titanium components.

Titanium is also used for medical applications, including surgical instruments, replacement joints, dental implants, wheelchairs, and other apparatuses. Titanium is highly biocompatible; it can be implanted in the human body without causing a reaction or rejection.[78] Eight of the 10 producers and melters survey respondents reported manufacturing titanium products used in various critical infrastructure applications. Eight of the ten producers and melters survey respondents supported the Transportation Systems sector through manufacture of airplanes and aerospace components. The top 5 sectors, not including the defense industrial base sector, supported by the 10 survey respondents are represented in Figure 20.



3. Titanium Is Considered a Critical Mineral

Titanium is one of the 35 minerals included by DOI on the Critical Minerals List. This list, which President Trump directed DOI to define in Executive Order 13817 of December 20, 2017, includes minerals which meet the following criteria:

(i) A non-fuel mineral or mineral material essential to the economic and national security of the United States,

(ii) the supply chain of which is vulnerable to disruption, and

(iii) that serves an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security.[79]

USGS observed that titanium has significant uses for aerospace, defense, energy, and telecommunications; these sectors are representative of industries critical to U.S. economic and national security.[80] For this reason among others as well as based on input from other U.S. government agencies, USGS included titanium on the critical minerals list.

Although titanium sponge is not separately mentioned, USGS's methodology implies a recognition that titanium sponge is just as critical as titanium:

> Potential supply chain vulnerabilities relating to critical minerals extend beyond what is described herein and should be considered as part of the strategy within the report to the President required by the E.O. For example, enhancing domestic mineral processing capacity is important to prevent the immediate export of domestically mined ore.[81]

By extension, the U.S. downstream industry's reliance on titanium sponge imports can be considered a supply chain vulnerability. USGS assesses the United States as having a ''moderate import reliance on titanium metal (sponge),'' while also noting that the U.S. is a significant exporter of finished titanium products.[82] As titanium sponge is required for the manufacture of downstream titanium goods, limited sponge production capacity can create a supply bottleneck. Such a bottleneck is one of the ''vulnerabilities'' identified in Executive Order 13817.[83]

B. The Economic Decline of the U.S. Titanium Sponge Industry Is Caused by Increased Imports of Titanium Sponge

1. U.S. Reliance on Imports of Titanium Sponge Is Increasing

The United States possesses one third of the world's titanium melt capacity and one quarter of its titanium milling capacity, which results in a substantial demand for inputs including titanium sponge.[84] Because only [TEXT REDACTED] of 2018 domestic demand

[78] C.N. Elias, J.H.C. Lima, R. Valiev and M.A. Meyers, ''Biomedical Applications of Titanium and its Alloys'', *JOM,* (March 2008), *http://meyersgroup.ucsd.edu/papers/journals/Meyers%20316.pdf, 46.*

[79] White House, ''Presidential Executive Order on a Federal Strategy to Ensure Secure and Reliable Supplies of Critical Materials'', (December 20, 2017), *https://www.whitehouse.gov/presidential-actions/presidential-executive-order-federal-strategy-ensure-secure-reliable-supplies-critical-minerals/.*

[80] U.S. Geological Survey, ''Draft Critical Mineral List—Summary of Methodology and Background Information—U.S. Geological Survey Technical Input Document in Response to Secretarial Order No. 3359'' (2018), *https://pubs.usgs.gov/of/2018/1021/ofr20181021.pdf, 2.*

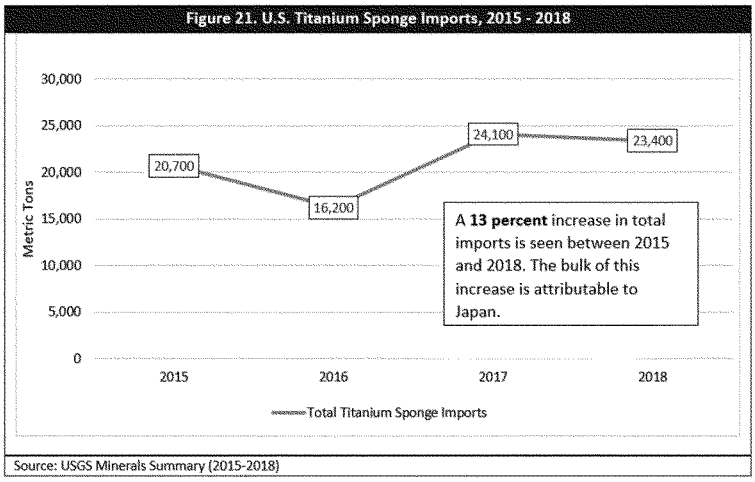
[81] Ibid.

[82] Although USGS distinguishes between import reliance and import vulnerability (*e.g.,* reliance on imports from countries with 'governance risks'), this distinction is not relevant for the present Section 232 investigation. The Section 232 statute discusses imports in broad terms and does not distinguish among importers based on perceived political risk.

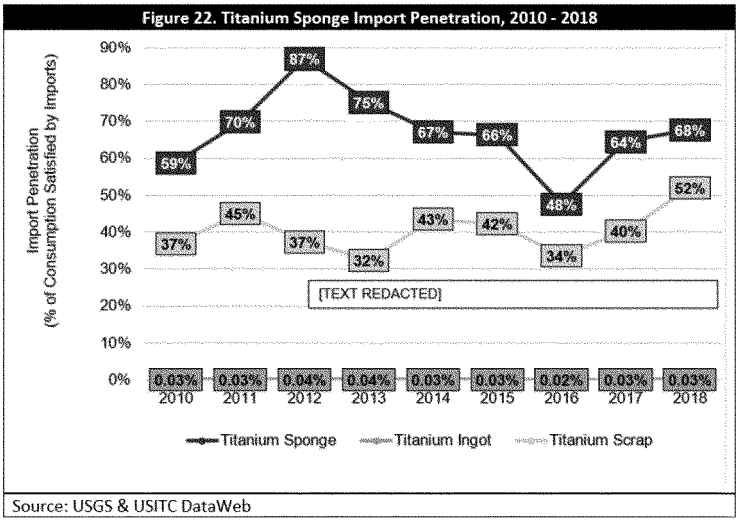
[83] White House, ''Presidential Executive Order on a Federal Strategy to Ensure Secure and Reliable Supplies of Critical Materials''.

[84] Roskill, ''Titanium Metal: Global Industry, Markets, and Outlook 2018—8th Edition''.

can be filled by domestic production, U.S. companies are heavily reliant on imports of titanium sponge. Imports accounted for 68 percent of all titanium sponge consumed in the United States in 2018. This reliance on imports of titanium sponge increased by more than 13 percent between 2015 and 2018 (*See* Figure 21).



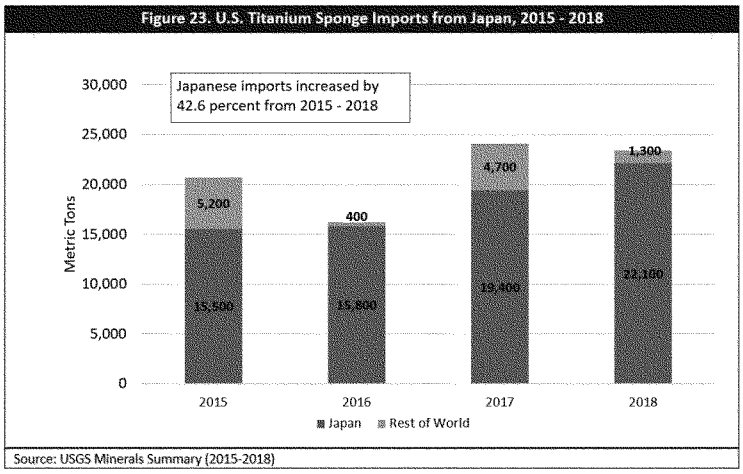
Over the 2010 to 2018 period, both titanium sponge import penetration and titanium scrap import penetration have grown (*See* Figure 22). Though titanium ingot import penetration remains low over the period, ingot production is reliant on both titanium sponge and scrap as feedstock. Increasing reliance on non-U.S. sponge and scrap to meet ingot production needs indicates the threat imports pose to the titanium industry as a whole.



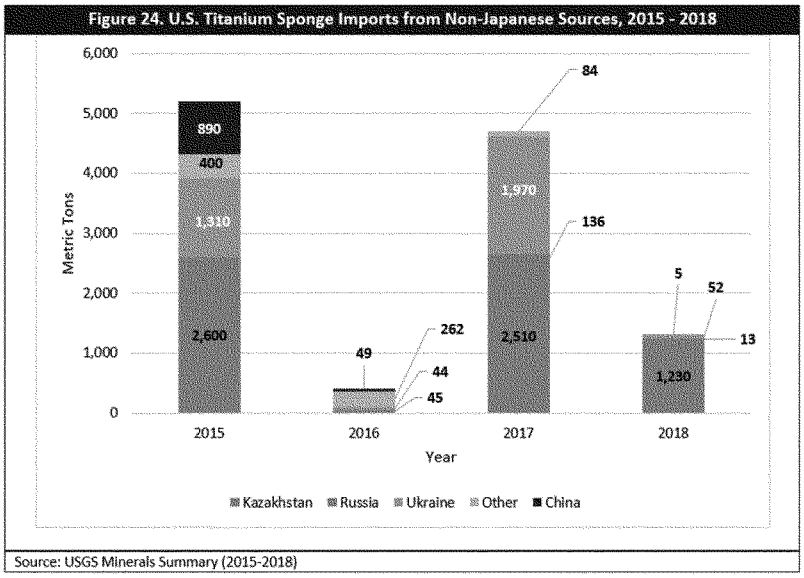
Of the titanium sponge imported in 2018, 94.4 percent came from Japanese producers, 5.2 percent came from Kazakhstan, and the remaining amount (less than 1 percent) was sourced from Russia and Ukraine, among other countries.[85] Japanese imports of titanium sponge increased from 75 percent of all imports in 2015 to over 94 percent by 2018 (*See* Figure 23). [TEXT REDACTED] [86]

[85] USGS Minerals Yearbook, 2018.

[86] [TEXT REDACTED].



As imports of Japanese sponge increased between 2015 and 2018, imports of sponge from non-Japanese sources declined by approximately 75 percent in the same period (*See* Figure 24). In Russia and Kazakhstan, decreased sponge exports trend with their producers' preference for selling higher volume, less price-sensitive finished downstream titanium products.[87] Imports of Chinese titanium sponge also declined due to increased internal demand from their domestic titanium industry.



U.S. reliance on imported titanium sponge is even clearer when compared to total U.S. consumption of sponge. Figure 25 indicates that demand for sponge continued to increase as U.S. production decreased. Although U.S. consumers of sponge are currently able to meet their needs through imported sponge, decreasing U.S. production and rising U.S. demand illustrate the potential national security problem during a national emergency scenario that causes an import disruption. [TEXT REDACTED]

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Currently, all U.S. titanium sponge production comes from TIMET's single facility in Henderson, Nevada. Should this facility close, all titanium melters in the United States will be reliant on imported titanium sponge.

2. Although Imports of Sponge Are Increasing, U.S. Dependence on Non-U.S. Titanium Semi-Finished and Finished Products is Minimal

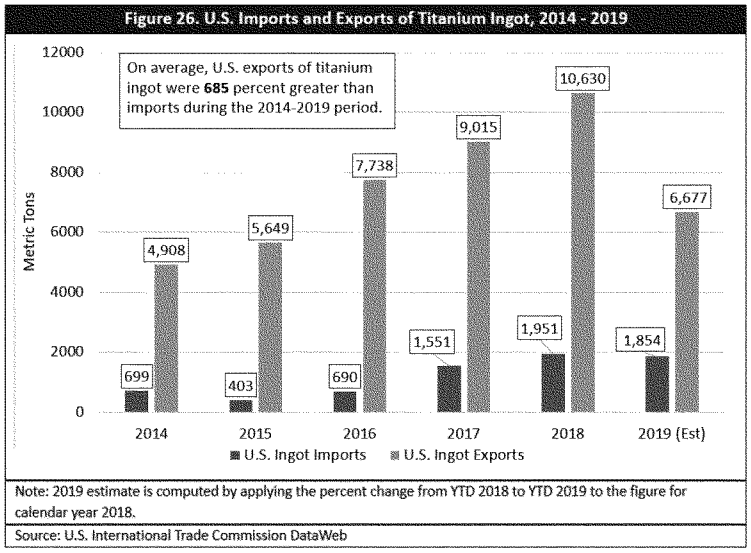
[87] VSMPO-Tirus, the exclusive U.S. distributor for VSMPO-Avisma, does not advertise sponge as a product for sale. *https://www.vsmpo-tirus.com/products/*. In recent years, Kazakh producer UKTMP has also shifted its focus towards sale of milled products through its joint ventures with Korean producer Posco and French producer Aubert et Duval.

[TEXT REDACTED] [88] The 2017 U.S. International Trade Commission (USITC) investigation found that TIMET was not considering becoming a merchant sponge producer.[89] ATI internally consumed all sponge produced at Rowley during the facility's period of operation and reported no outside sales of sponge during the USITC investigation period.

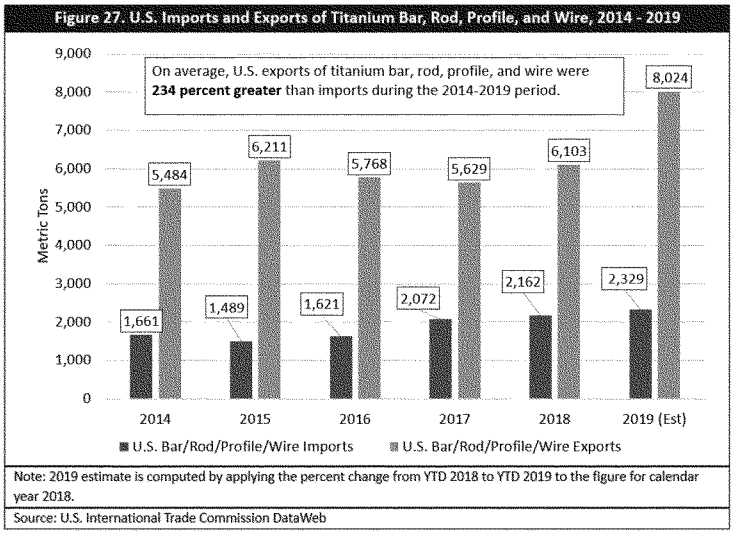
[TEXT REDACTED] The entire volume of U.S. titanium sponge exports from 1985 to 2014 totaled approximately 33,000 metric tons.[90] By comparison, Japanese titanium sponge exports in 2017 and 2018 alone exceeded a combined. [TEXT REDACTED] [91]

Although the United States imports a majority of its titanium sponge, there is no similar dependence on foreign sources for downstream titanium metal goods. It is important to note, however, that U.S. semi-finished and finished titanium production is subject to the same 68 percent import dependency on sponge and 52 percent import dependency on scrap.

During the 2014 to 2019 period, approximately 7,100 metric tons of titanium ingots were imported into the United States for consumption. During the same timeframe, U.S. exports of titanium ingot stood at approximately 45,000 metric tons (*See* Figure 26).



A similar phenomenon can be seen with titanium bars, rods, profiles, and wire (*See* Figure 27). In the 2014 to 2019 period, approximately 11,000 metric tons were imported into the United States compared to an approximate 37,000 metric tons exported. These high exports to imports ratios indicate a financially healthy and globally competitive U.S. titanium melt products industry.



[88] [TEXT REDACTED]

[89] USITC, Titanium Sponge from Japan and Kazakhstan, V–6.

[90] USGS, ''Titanium Sponge Statistics'' (January 19, 2017).

[91] [TEXT REDACTED]

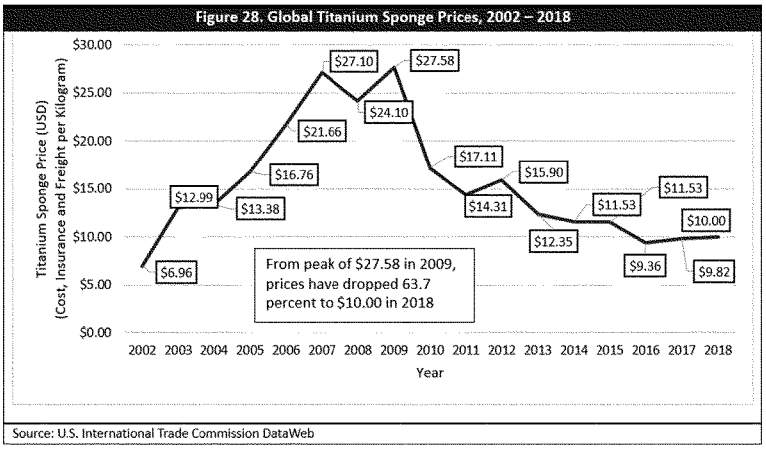
High export volumes can be explained in part by extensive U.S. titanium melting capacity. Roskill Information Services estimated that, as of 2016, the United States possessed approximately 136,000 metric tons of melt capacity, approximately 31 percent of total global melt capacity.[92] Only China, which is estimated to have an approximate 138,000 metric tons of melt capacity, is on par with the United States. China's melt capacity is currently largely used for domestic consumption, while U.S. titanium producers use their significant capacity to serve both domestic and foreign demand.

U.S. titanium metal production is also bolstered by high demand from U.S. aerospace firms such as Boeing, Lockheed Martin, Pratt and Whitney, and General Electric Aviation. These companies require considerable amounts of downstream titanium products, and the titanium sponge used as melt feedstock for these products is highly reliant on non-U.S. sponge. This reliance on foreign titanium sponge highlights the potential vulnerabilities of the titanium production supply chain in the event of a sponge import disruption.

3. Price History and Recent Price Trends

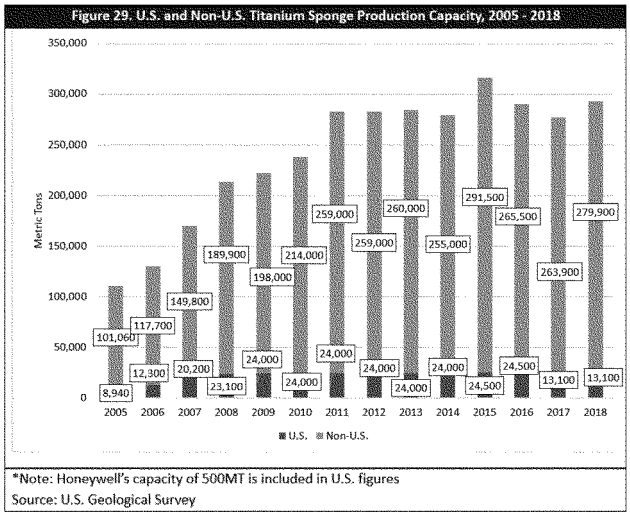
Overview

Although a 44 percent increase in titanium sponge prices between 2002 and 2018 suggests broad U.S. titanium sponge industry health, a deeper investigation of prices reveals difficulties for the industry. Falling prices after 2009, prompted by increased Chinese domestic production and industry trends such as increased scrap reversion, highlight the mid and long-term problems for U.S. sponge production. Titanium sponge price trends since 2002 are displayed in Figure 28.



Global Increases in Capacity and Production Depress Sponge Prices

Increased demand for titanium sponge incentivized the creation of additional global sponge capacity. Figure 29 shows increases in U.S. and non-U.S. titanium sponge production capacity from 2002 to 2018.



[92] A 2013 presentation by Roskill Consulting Group estimates that Chinese producers Zunyi Titanium as well as the Pangang and Jichuan Groups produced small amounts of premium grade sponge in 2012. This material was used in Chinese domestic industry and was not exported. Philip Dewhurst, ''Titanium Sponge Supply: Past, Present and Future'', Presentation at the Titanium USA 2013 Conference in Las Vegas, Nevada, (October 9, 2013), *https://cdn.ymaws.com/titanium.org/resource/resmgr/2010_2014_papers/DewhurstPhilipTiUSA2013Suppl.pdf, 21.*

Though U.S. sponge capacity experienced net growth between 2005 and 2018 from 8,940 to 13,100 metric tons, U.S. capacity peaked in 2015 at 24,500 metric tons. These gains were lost in 2016 when ATI Rowley idled operations. ATI's closure represented a 46.5 percent decrease in U.S. sponge capacity from 24,500 metric tons in 2015 to 13,100 metric tons in 2018. In contrast, non-U.S. sponge capacity increased by approximately 178,840 tons, or 177 percent, between 2005 and 2018. These capacity additions were principally driven by China, Japan, and Russia in response to increasing global aviation consumption and other demand.

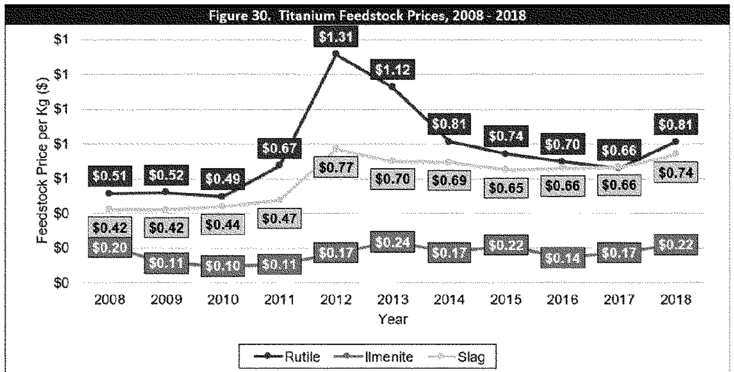
Continued increases in global titanium sponge production contributed to eventual declines in titanium sponge prices. Between 2009 and 2011, global sponge production increased 69 percent from 110,000 metric tons to 186,000 metric tons.[93] Most of these increases were seen in Japan and China, which boosted production by 26,000 and 25,000 metric tons respectively.[94] The average titanium sponge price declined by 48 percent as result, from $27.58 per Kg ($27,580 per metric ton) in 2009 to $14.31 per Kg ($14,310 per metric ton) in 2011.

Although production slightly declined after 2015, prices continued to fall due to market saturation. As sponge prices continued to decrease, some plants were idled due to declining market conditions. Chinese producers idled approximately 30,000 metric tons of capacity between 2015 and 2016, much of which had been built to capitalize on price increases in the late 2000s.[95] By 2016, sponge prices declined to $9.36 per Kg ($9,360 per metric ton). Although prices slightly recovered to $10.00 per Kg ($10,000 per metric ton) in 2018, the price is still 23 percent below 2003 levels.

Cost of Feedstock Impacts Sponge Prices

Another factor influencing sponge prices and production are feedstock prices. Titanium sponge producers use several different types of feedstock in the Kroll process, including rutile and ilmenite ores as well as slag. Prices for these inputs are shown in Figure 30.

Figure 30. Titanium Feedstock Prices, 2008 - 2018



Note: 1 Metric Ton = 1,000 Kg

Source: USITC DataWeb, HTSUS Codes: 2614.00.3000, 2614.00.6040, 2614.00.6020, 2620.99.5000, CIF 2008-2018

On average, titanium sponge feedstock prices increased by 48 percent over the 2008 to 2018 period. The most profound increases were in rutile and ilmenite, which increased by 59 and 76 percent respectively. Although these price increases coincided with increases in global titanium sponge production, sponge production has only a limited impact on feedstock price increases.

Increased titanium dioxide production, which accounts for 93 percent of all industrial use of titanium feedstock, is the primary driver of these increases in feedstock prices. Between 2008 and 2018, global titanium dioxide capacity jumped 45 percent from approximately 5.3 million metric tons to approximately 7.7 million metric tons.[96] Expansions of Chinese capacity account for a significant portion of this increase: Chinese capacity increased 267 percent from approximately 900,000 metric tons to 3.3 million metric tons between 2008 and 2018.[97] Consequently, as global demand for titanium dioxide increases, feedstock prices also increase.

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U.S. Cost of Titanium Sponge Production Compared to Import Prices

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ATI cited both higher input prices, particularly $TiCl_4$, and availability of low-cost titanium sponge imports as drivers of its decision to idle its sponge plant in favor of purchasing from foreign suppliers:

". . . Titanium sponge, including aerospace quality sponge, can now be purchased from qualified global producers under long-term supply agreements at prices lower than the

[93] U.S. Geological Survey, "Titanium and Titanium Dioxide: 2010" and "Titanium and Titanium Dioxide: 2012".

[94] Ibid.

[95] USGS Data.

[96] U.S. Geological Survey, Titanium and Titanium Dioxide: 2009" and "Titanium and Titanium Dioxide: 2018".

[97] Ibid.

production costs at ATI's titanium sponge facility in Rowley, UT. . . . ATI has entered into long-term, cost-competitive supply agreements with several leading global producers of premium-grade and standard-grade titanium sponge.'' [98]

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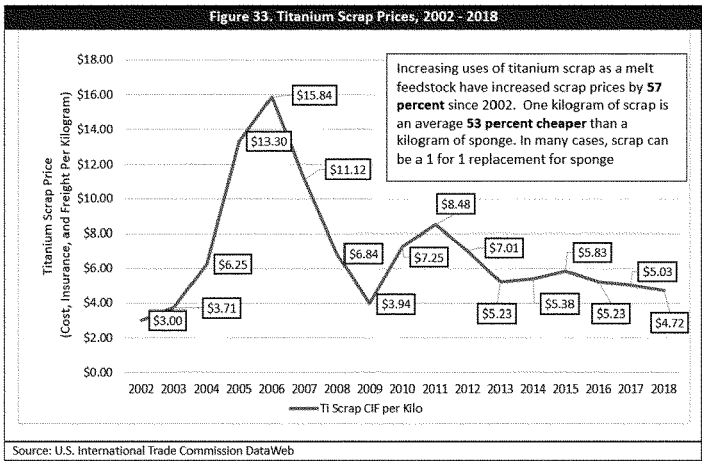
Low non-U.S. prices, as seen in Figure 32, inhibit domestic investment and the continuation of sponge production in the U.S. [TEXT REDACTED] [99] [TEXT REDACTED] However, high energy and labor costs in Japan raise the question of whether Japanese producers can continue to seemingly subsidize their exports of titanium sponge.

Increased Use of Titanium Scrap Affects Titanium Sponge Prices

Titanium scrap, which is generated during the downstream manufacturing process, can also be used as a source of feedstock for titanium melting operations. Titanium scrap prices increased substantially over the 2002 to 2018 period (*See* Figure 33).



Increased scrap prices stem from downstream consumers' initiatives to recover scrap. In most cases, as a billet is forged, rolled, and/or machined to produce a finished good, excess titanium metal is produced. This metal can then be collected and returned to a titanium melter for reprocessing into another ingot or billet. Downstream consumers, particularly aerospace firms, seek to increase the amount of recycled scrap that they use in their products in order to realize cost-savings on input costs.[100]

On average, approximately 40 to 50 percent of a given melt's feedstock comes from scrap.[101] This percentage, however, will vary depending on the customer's requirements for the alloy.[102] Globally, scrap accounts for an average of 31 percent of titanium producers' annual melt feedstock.[103] U.S. producers use even higher amounts, ranging between 59 and 66 percent.[104] U.S. producers also dramatically increased their titanium scrap imports in the first half of the 2010s, as shown in Figure 34.

[98] ''Allegheny Technologies Announces Actions to Improve Future Financial Performance'', *ATI* (August 24, 2016), *https://ir.atimetals.com/news-and-events/news-releases/2016/08-24-2016-122218784*.

[99] [TEXT REDACTED]

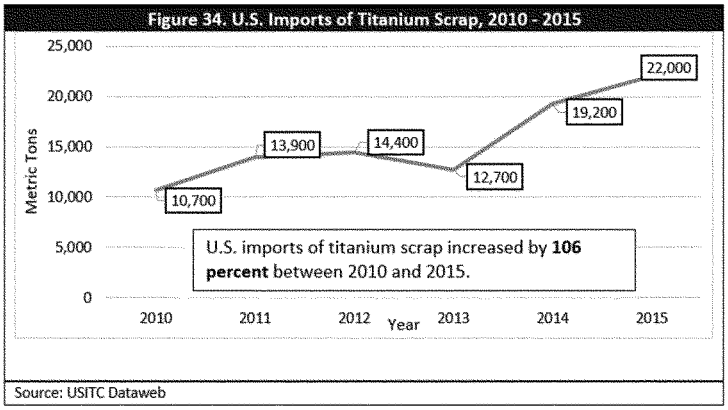
[100] Seong, Younoussi, and Goldsmith, ''Titanium: Industrial Base, Price Trends, and Technology Initiatives'', 15.

[101] Ibid.

[102] Purer alloys cannot use higher percentages of scrap. Some applications, such as billets for the F–35 Joint Strike Fighter, use no scrap whatsoever. Ibid., 17.

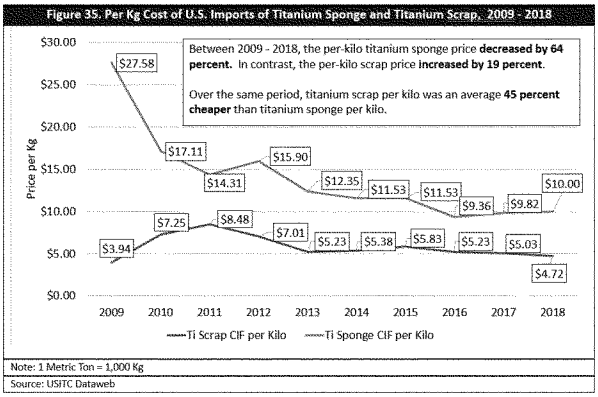
[103] U.S. Geological Survey.

[104] U.S. Geological Survey.



One reason for the increased use of scrap is the aviation industry's use of the ''buy to fly'' (BTF) ratio. The BTF ratio specifies the amount of titanium required to produce a given part.[105] For example, if the BTF ratio for a given part weighing one pound is 20:1, 20 pounds of titanium metal is required to produce the part weighing 1 pound. New developments in metallurgy and manufacturing techniques have allowed for increased use of scrap in aerospace-grade titanium. In 2008, Boeing and VSMPO-Avisma announced the development of a titanium alloy that can use up to 75 percent scrap for its initial melt to be produced in Russia.[106] Additive manufacturing techniques, including 3–D printing and joining techniques such as linear friction welding and explosive forming, have the potential to reduce BTF ratios to 2:1 from the then-contemporary industry average of 10:1.[107] Manufacturers thus have significant financial incentive to recover and reuse scrap titanium.

Another incentive for increasing scrap usage is due to the price difference between scrap and titanium sponge (*See* Figure 35).

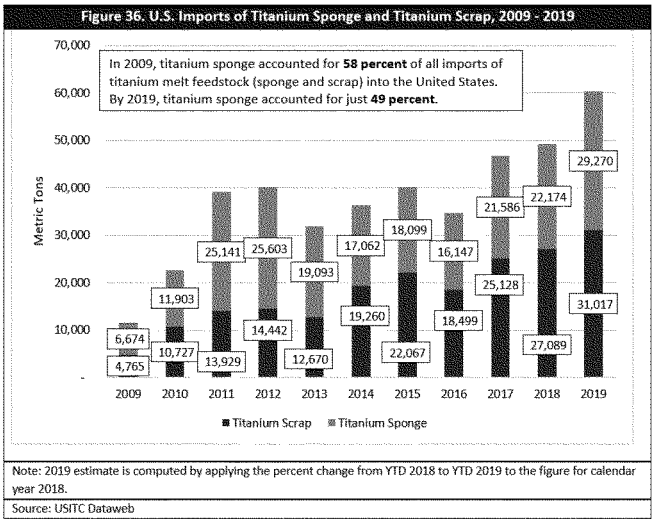


Availability of cheaper scrap inputs incentivizes use of scrap material in place of titanium sponge where possible. Further, as aircraft production increased in the years following 2011, available scrap supplies increased. Increased availability caused scrap prices to decrease by 44 percent; in contrast, sponge prices only decreased by 37 percent. By 2018, the cost per Kg of scrap was 47 percent of that for a Kg of sponge (*Note:* 1 metric ton equals 1,000 Kg). Increased use of titanium scrap has offset use of titanium sponge (*See* Figure 36). However, decreasing scrap prices are putting further financial pressures on the domestic production of titanium sponge.

[105] Ibid., 18.

[106] The Boeing Company, ''The quest for stronger, cheaper titanium alloys,'' (February 2018), *https://www.boeing.com/features/innovation-quarterly/feb2018/feature-titanium.page.*

[107] Guy Norris, ''Metallics Make Comeback With Manufacturing Advances', *Aviation Week and Space Technology* (May 6, 2013), *https://aviationweek.com/awin/metallics-make-comeback-manufacturing-advances.*



Increased use of titanium scrap as feedstock does not, however, eliminate the need for new titanium sponge. In the United States, scrap accounts for approximately 59–66 percent of titanium melt feedstock.[108] Using scrap as a source of feedstock allows titanium manufacturers to offset price increases in sponge with increased consumption of scrap, or vice-versa.[109] However, the chemical composition requirements for aerospace rotating-grade titanium preclude usage of higher amounts of scrap. The inability to substitute high grade sponge with scrap emphasizes the importance of a secure supply of sponge for defense applications.[110]

It is also important to note the U.S. dependency on scrap, when combined with higher import levels of sponge, further jeopardizes the ability of the U.S. to produce titanium ingot, billet, and other downstream finished titanium products in a national emergency. Domestically produced titanium scrap is reliant on the availability of titanium sponge in the initial production of titanium goods. As imported sponge accounts for 68 percent of U.S. titanium sponge consumption, U.S. titanium scrap production is similarly reliant on the availability of sponge imports.

4. Employment Trends

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[TEXT REDACTED] These positions, about one third of the workforce, aside from maintenance and engineering and administration and management, require no formal education and have minimal on the job training requirements; maintenance and administration require bachelor's degrees and one to six months of on-the-job training.

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[TEXT REDACTED]

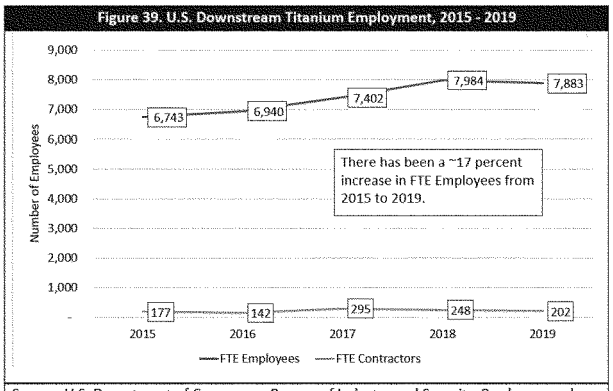
[TEXT REDACTED] *Downstream Titanium Employment*

Employment in downstream titanium manufacturing has shown growth over the 2015 to 2019 period (*See* Figure 39).

[108] U.S. Geological Survey.

[109] Decreased aircraft production during 2003–2005 caused global shortages of titanium scrap; between 2003 and 2006, the average per-kilogram price of titanium scrap imports jumped 326 percent. In contrast, titanium sponge prices increased by only 66 percent. Imports of sponge thus increased by 136 percent of the period, compared to 130 percent for scrap. USITC Dataweb and Seong, Younoussi, and Goldsmith, ''Titanium: Industrial Base, Price Trends, and Technology Initiatives'' 36–37.

[110] Titanium scrap can contain non-titanium elements that cannot reasonably removed during the recycling and melt processes. The presence of these elements thus precludes use of significant amounts of scrap in higher grades of sponge.



Stable employment in downstream titanium manufacturing indicates a broadly healthy sector. [TEXT REDACTED] [111]

[TEXT REDACTED] However, as reviewed in this section, stable downstream industry employment does not imply stability for employment in sponge manufacturing. The remaining [TEXT REDACTED] employees in the U.S. titanium sponge industry, all concentrated at TIMET's Henderson facility, will probably transfer to other industries and regions if sponge production ceases. By the time that old capacity was to be reactivated or new capacity built, it is unlikely that the required skills and technical knowledge would be readily available. Any effort to restore U.S. titanium sponge capacity would therefore incur additional costs and delays due to the need to train a new skilled workforce.

5. Financial Outlook

TIMET is the sole active titanium sponge manufacturer in the United States, and the firm's financial health highlights the status of U.S. titanium sponge production. [TEXT REDACTED] [112] [TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED] [113] [TEXT REDACTED] [114] [TEXT REDACTED] [115] [TEXT REDACTED]

6. Research and Development

Overall titanium industry research and development expenditures increased over the 2015 to 2018 period for the five companies reporting (*See* Figure 41).

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

Of these expenditures, an average of 11 percent went to basic research, 21 percent went to applied research, and the remaining 68 percent went to process development. [TEXT REDACTED]

An increase in overall industry R&D expenditures should not be taken as a sign of health for U.S. titanium sponge production. As discussed earlier in this report, the basic titanium sponge production process has remained unchanged for several decades. The expenditures reported in Figure 41 above likely pertain to downstream production processes, including advanced melting and additive manufacturing techniques, rather than sponge operations.

7. Capital Expenditures

Low-priced sponge imports have impeded U.S. producers' ability to make needed capital investments for future production. [TEXT REDACTED] [116] [117] [TEXT REDACTED] [118]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[111] [TEXT REDACTED].

[112] [TEXT REDACTED].

[113] Ibid.

[114] Ibid.

[115] U.S. International Trade Commission DataWeb.

[116] Petition, 36.

[117] Business Confidential Exhibit 19, 9.

[118] Ibid, 8.

[TEXT REDACTED]

Low sponge prices had already harmed ATI's ability to continue sponge production operations at its Rowley, Utah plant, which was idled in 2016. The Rowley plant, unlike TIMET's facility, did not have the capacity to produce $TiCl_4$ or recycle magnesium, both of which are critical to sponge production. These materials were obtained from third parties and shipped by rail to the Rowley facility.[119] [TEXT REDACTED]

C. Diminishing U.S. Titanium Sponge Production Capacity May Impair the National Security in the Future

1. U.S. Production Is Well Below Domestic Demand

Total consumption of titanium sponge in the United States was approximately 34,000 metric tons in 2018.[120] As identified earlier, total available U.S. titanium sponge capacity is only [TEXT REDACTED], representing approximately [TEXT REDACTED] of total U.S. demand. However, actual production in 2018 was approximately [TEXT REDACTED]. The entirety of current U.S. titanium sponge production satisfies just [TEXT REDACTED] of U.S. demand.[121]

[TEXT REDACTED] [122] [TEXT REDACTED] U.S. titanium melters will continue to rely on imported titanium sponge and scrap for the foreseeable future.

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

Surge Capability

The U.S. has some ability to utilize surge capabilities in the event of a national emergency through ATI's idled sponge facility. This reactivated capacity would add as much as [TEXT REDACTED] of titanium sponge production capacity. [TEXT REDACTED] However, given the non-integrated nature of the plant and the associated difficulties with obtaining titanium tetrachloride and magnesium inputs, the Rowley facility would face significant obstacles to full production. It is unclear whether the Rowley plant would be able to adequately meet emergency needs within a reasonable period of time.

2. Domestic Titanium Sponge Capacity Is Highly Concentrated and Limits Capacity Available for a National Emergency

Active U.S. titanium sponge production is concentrated exclusively at TIMET's plant in Henderson, Nevada. This plant, which began operations in the 1950s, is aging and will not be able to continue future operations without significant capital investments. ATI's plant in Rowley, Utah was indefinitely idled at the end of 2016 and the company [TEXT REDACTED]. Additionally, ATI's plant in Albany, Oregon was idled in 2009, when ATI Rowley began operations, and is now permanently closed without the ability to reopen. If TIMET does not replace the chlorination facility at Henderson by [TEXT REDACTED] and consequently closes its titanium sponge production facility, there will be no active titanium sponge production capacity suitable for industrial metal applications in the United States.[123]

Reduced sponge capacity already forces U.S. downstream producers into a heightened dependence on foreign suppliers. Although U.S. downstream producers have used imports to satisfy some of their production requirements for decades, the current level of import dependence is at a historic high. In 1988, U.S. titanium sponge production could fulfill all domestic consumption. By 2018, production at the last operational sponge facility fulfilled just [TEXT REDACTED] of domestic consumption.[124] In an emergency scenario where imports were disrupted, U.S. downstream producers may not be able to continue normal melting and fabrication operations without access to titanium sponge and scrap imports.

In contrast, China and Russia have integrated titanium production capacity. In a hypothetical emergency scenario involving conflict between the United States and either China or Russia, the U.S. could soon lose its capability to manufacture titanium parts due to a lack of sponge availability and a finite supply of scrap. This would be further compounded by a cutback in imports of semi-finished and finished titanium products. China or Russia, in contrast, could continue titanium production without significant interruptions.

National emergency scenarios could potentially affect imports from Japan and Kazakhstan. In the event of a general conflict in the Pacific, including China and/or Russia, the United States may not be able to access titanium sponge or scrap imports from Japan. [TEXT REDACTED] [125] Loss of these imports and limited domestic sponge capacity from TIMET would effectively halt U.S. titanium metal production and could impair sustainment and assembly of aircraft and other defense systems requiring titanium.

[TEXT REDACTED] [126] While these capacity additions could mitigate import losses, shortages are still possible, and U.S. national security would be impaired.

These possibilities, in the Secretary's assessment, represent a significant weakening of the internal economy needed to support defense and critical infrastructure needs and threatens to impair the national security as defined in Section 232.

3. [TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]

[TEXT REDACTED]

[119] U.S. ITC, In the Matter of Titanium Sponge from Japan and Kazakhstan (701–TA–587 and 731–TA–1385–1386), p. 108.

[120] U.S. Geological Survey, ''Titanium and Titanium Dioxide: 2019.''

[121] U.S. Geological Survey, 2019 Mineral Commodity Summaries: Titanium and Titanium Dioxide, 174. *https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs-2019-titan.pdf.*

[122] USGS reports that aerospace applications accounted for 80 percent of titanium sponge usage in 2018. The USGS figure does not appear to distinguish between commercial and military aerospace applications. Ibid.

[123] While it is expected that Honeywell Electronic Materials' plant in Bountiful, Utah will remain operational, as noted earlier, this plant does not currently produce titanium sponge suitable for most national defense and critical infrastructure applications.

[124] U.S. Geological Survey, ''Titanium Sponge Statistics'' (January 19, 2017).

[125] [TEXT REDACTED].

[126] [TEXT REDACTED].

[TEXT REDACTED]

[TEXT REDACTED]
[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]
[TEXT REDACTED]

[TEXT REDACTED]

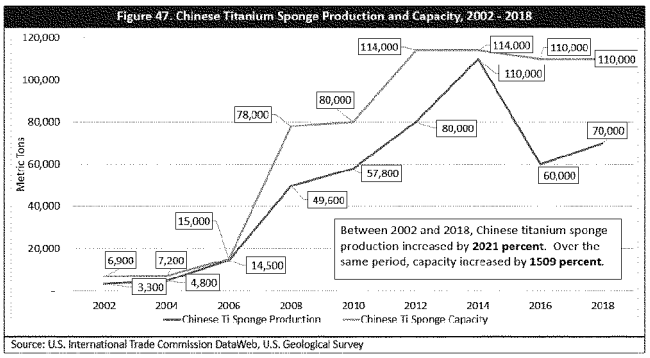
D. Increased Global Titanium Sponge Capacity and Production Further Impact the Long-Term Viability of U.S. Titanium Sponge Production

1. Extreme Growth in Chinese Titanium Sponge Production Will Place Downward Pressure on Global Titanium Sponge Prices

Although Chinese imports accounted for only 0.01 percent of all U.S. titanium sponge imports and 0.16 percent of downstream titanium imports (ingot and billet) in 2018, China's dramatic growth in titanium sponge production will contribute to overall downward pressure on global titanium sponge prices.[127] This pressure may increase in the future if Chinese producers shift their business focus away from supplying domestic industry and towards exports of titanium sponge, ingot, and billet.

Currently, the Chinese are instead exporting a variety of finished products which contain titanium metal (bicycles, cookware, heat exchangers, condensers, automobile parts, structural aerospace parts, medical devices, construction materials, etc.).

As shown in Figure 47, Chinese producers have exponentially increased their sponge capacity and production over the past two decades.



These increases in capacity and production, facilitated in no small part by state assistance to producers, continued despite low global sponge prices. As reviewed earlier in this chapter, sponge prices in 2018 were 63 percent lower than their 2009 peak. Over the same timeframe, Chinese production increased by 14 percent and capacity by 41 percent. These increases in Chinese capability despite declining global prices suggest that, similar to the country's actions in the steel and aluminum industries, Chinese titanium sponge producers need not heed market signals in the same way as U.S. and other market producers.

China is virtually self-sufficient in titanium sponge production.[128] In 2018, estimated Chinese production may have been as high as 75,000 metric tons, compared to approximate total Chinese demand of 79,000 metric tons.[129] The gap between domestic production and consumption largely represents shortfalls in premium-grade sponge manufacture, which is currently being filled with imports. However, this gap will likely be lowered in the coming years. Chinese production of premium-grade sponge suitable for aerospace structures is already estimated to be 30 percent of total global capacity.[130]

Chinese demand for titanium sponge will increase over the coming decades due to rapid expansions in the country's chemical, aerospace, and electricity generation industries. In 2018, these three sectors consumed nearly three quarters of all titanium products produced in China.[131] Government initiatives emphasizing advanced manufacturing, including the Made in China 2025 plan, the *Chang'e* lunar exploration project, and development of domestic civilian airliners such as the C919 and CR929 will drive an increasing demand for titanium metal.

Chinese domestic near self-sufficiency in titanium production places significant pressure on other titanium producers. Foreign producers are currently able to access roughly 5 percent of the Chinese sponge market and, as China develops more premium-grade sponge capacity, will be further excluded. Further, it is anticipated that China will begin to export material once domestic production exceeds domestic demand.

The gap between Chinese capacity and production, therefore, is notable. The UGS estimates that only 63 percent of Chinese titanium sponge capacity was active in 2018, and China continues to increase sponge capacity.[132] If increased to full capacity, Chinese production would exceed combined Japanese and Russian sponge production. This potential illustrates the impact of Chinese production and capacity on the global market and highlights the impact China will have on the global market should their production focus switch towards exports. An increased presence of low-priced Chinese sponge in the global market would place further downward pressure on sponge prices and potentially force market producers, like Japan, to cut prices below economically viable levels in order to remain competitive in the export market.

[127] USITC Dataweb.

[128] TIMET testimony before the U.S. International Trade Commission, *https://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2017/Titanium%20Sponge%20from%20Japan%20and%20Kazakhstan/Preliminary/titanium_sponge_from_japan_and_kazakhstan-conference-09-14-2017.pdf,* 36.

[129] Argus Metals, ''Feed shortage hampers world Ti sponge ramp up'' (May 16, 2019), *https://metals.argusmedia.com/newsandanalysis/article/1904225.*

[130] Roskill, ''Titanium Metal: Global Industry, Markets, and Outlook 2018—8th Edition''.

[131] Exhibit 11, TIMET Rebuttal Comment: ''Sylvain Gehler, World Titanium Sponge Supply Situation'', 14.

[132] U.S. Geological Survey, ''Titanium and Titanium Dioxide: 2019'', *https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mcs-2019-titan.pdf.*

Though China currently consumes almost all domestic production of titanium sponge, their large-scale capacity for mill products has allowed them to export approximately 23 percent of their ingot and billet production (no significant quantities are imported to the U.S.). Instead, China has been exporting large quantities of commercial and industrial products containing titanium (bicycles, heat exchangers, condensers, automobile parts, structural aerospace parts, medical devices, construction materials, etc.).

Increased Chinese exports of commercial and industrial products containing titanium (with a broader range than Russian exports of aerospace-focused titanium products), and a future focus on exports of titanium sponge, ingot and billet, are expected as China has implemented a similar strategy in other material markets.

Chief among export markets is the United States. The United States is the second largest market for titanium products in the world and is a natural focus for exports. [TEXT REDACTED] Existing availability of low-price imports has forced TIMET to consider the future of its own aging sponge production facility and its high production costs. Increased competition from Japanese producers due to rising Chinese production, as well as the potential for China to begin exporting more low-priced material to the U.S., may further depress sponge and scrap prices. A further reduction in import prices would make it even more difficult for TIMET to justify continued sponge production when low-priced imports are available.

2. Increased Chinese and Russian Premium Quality Sponge Production Threatens U.S. Aerospace Supply Chains

Premium quality sponge is required for rotating aircraft parts, particularly in engines. As highlighted earlier, not every titanium sponge plant is certified to supply premium quality sponge. The certification process requires extensive consultation with equipment manufacturers and testing of sponge samples to ensure chemical purity. Most U.S. and European Union aerospace firms have at some point granted certification to six producers: TIMET, ATI, Toho Titanium, Osaka Titanium, VSMPO-Avisma, and UKTMP (Kazakhstan).[133]

Although China has not yet produced aerospace non-rotating grade titanium sponge for export, Chinese producers have produced it for domestic consumption.[134] Aerospace non-rotating grade sponge is believed to have been used for structural aerospace applications in Chinese military airframes. However, it is not clear whether Chinese producers are capable of producing aerospace rotating-grade titanium sponge at this time.

As noted earlier, China will need increasing amounts of aerospace non-rotating titanium sponge in the future to support new initiatives in the aerospace sector. Furthermore, Chinese government objectives of self-sufficiency in aircraft engine production will require the development of aerospace rotating grade sponge capacity.[135] The Department anticipates that future Chinese activities in titanium sponge will follow the same pattern as their activities in the global steel and aluminum trade, namely price-insensitive production that will undermine all other competitors.[136]

Russia's activities in global titanium sponge trade suggest a precedent for future Chinese activity. Russian producer VSMPO-Avisma, like many Chinese producers, receives a significant amount of state assistance.[137] VSMPO-Avisma is also an integrated producer of titanium sponge and downstream titanium products, and is able to offer titanium products at lower prices than U.S. or European producers.

These low prices and favorable contract terms were a major incentive behind Boeing's 2006 joint venture with VSMPO-Avisma to establish Urals Boeing Manufacturing (UBM) at Verkhnyaya Salda in Sverdlovsk Oblast.[138] The UBM plant creates titanium forgings from VSMPO-manufactured sponge and ingot for use in Boeing's 787 aircraft. In 2018, Boeing and VSMPO-Avisma announced plans for a second $82.3 million production line at UBM that would support the 787, 737 MAX, and 777X aircraft. Altogether, VSMPO-Avisma provides 35 percent of Boeing's titanium products. European manufacturer Airbus is similarly dependent on VSMPO-Avisma's exports. In 2009, Airbus signed a $4 billion agreement with the firm to supply titanium through 2020.[139] As of 2019, VSMPO-Avisma supplied approximately 50 percent of Airbus's annual titanium requirements.[140] Although VSMPO-Avisma is not a significant exporter of sponge, its ventures with Boeing and Airbus indicate an interest in increasing the company's share of the global titanium aviation parts market.

Lower prices, made possible by Russian state support, allow VSMPO-Avisma to capture a significant share of Boeing's business. [TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[TEXT REDACTED]

[133] Prior to its 2016 idling, ATI had obtained certification for its Rowley facility.

[134] A 2013 presentation by Roskill Consulting Group estimates that Chinese producers Zunyi Titanium as well as the Pangang and Jichuan Groups produced small amounts of premium grade sponge in 2012. This material was used in Chinese domestic industry and was not exported. Philip Dewhurst, ''Titanium Sponge Supply: Past, Present and Future'', Presentation at the Titanium USA 2013 Conference in Las Vegas, Nevada, (October 9, 2013), *https://cdn.ymaws.com/titanium.org/resource/resmgr/2010_2014_papers/DewhurstPhilipTiUSA2013Suppl.pdf,* 21.

[135] At present, Chinese civil and military aircraft manufacturers rely on engines from U.S., European Union, and Russian companies. To counteract this dependence, the Chinese government created the Aero Engine Corporation of China in 2016 as an integrated engine manufacturing firm. Development of premium grade titanium sponge capacity complements this effort to build a domestic aircraft engine industry. BBC News, ''China launches own aircraft engine-maker to rival the West'' (August 29, 2016), *https://www.bbc.com/news/business-37212009*.

[136] Section 232 steel report, 52–53, *https://www.bis.doc.gov/index.php/documents/steel/2224-the-effect-of-imports-of-steel-on-the-national-security-with-redactions-20180111/file*, and Section 232 aluminum report, 102, *https://www.bis.doc.gov/index.php/documents/steel/2224-the-effect-of-imports-of-steel-on-the-national-security-with-redactions-20180111/file.*

[137] Russian state holding company Rostec owns a blocking interest of 25 percent in VSMPO-Avisma. VSMPO-Avisma has also passed through several periods of outright control by the Russian state; additionally, VSMPO management has significant ties to the Russian government.

[138] The Boeing Company, ''Boeing and VSMPO–AVISMA Announce Titanium Agreement'', (August 11, 2006), *https://boeing.mediaroom.com/2006-08-11-Boeing-and-VSMPO-AVISMA-Announce-Titanium-Agreement.*

[139] Eleonore Demry, ''Russia, Airbus Sign $4 Billion Titanium Deal), *Agence France Presse* (April 20, 2009), *https://www.industryweek.com/companies-amp-executives/russia-airbus-sign-4-billion-titanium-deal.*

[140] ''Interview: Julien Franiatte, head of Airbus Russia'', *Russian Aviation Insider* (August 27, 2019), *http://www.rusaviainsider.com/interview-julien-franiatte-head-of-airbus-russia/.*

VSMPO-Avisma's export model could easily be copied by a Chinese manufacturer in the future. A fully integrated Chinese titanium sponge and downstream titanium producer could offer U.S. and other market aerospace firms significant cost savings over market titanium sponge and titanium product producers. Such an outcome would threaten the future viability of market production of aerospace grade titanium sponge, including U.S., Japanese, and Kazakhstani production.

If Chinese production assists in the displacement of market production of aerospace grade sponge, global aircraft manufacturers, including those in the United States and European Union, will depend on state-influenced Russian and Chinese sources of titanium metal. Russia and China could then use their de facto dominance of the global titanium sponge industry as a tool of geopolitical leverage, as they have with other industries such as uranium and steel. Additionally, in the event of an emergency potentially involving hostilities with Russia or China, U.S. titanium production would be severely impaired if deprived of imports from these countries. As Russia and China are both identified in the 2017 National Security Strategy as ''revisionist powers . . . that challenge U.S. values and interests,'' [141] dependence on these countries for titanium sponge would threaten to impair the national security.

VIII. Conclusion

Based on these findings, the Secretary concludes that the present quantities and circumstance of titanium sponge imports are ''weakening our internal economy'' and threaten to impair the national security as defined in Section 232. The consequent adverse impact on the domestic titanium sponge industry, along with the circumstance of increased global production and capacity in titanium sponge, especially in non-market economies, places the United States at risk of losing the remaining industrial capacity and technical knowledge related to titanium sponge production that is essential to meet national defense and critical infrastructure requirements.

Imports of titanium sponge, which accounted for 68 percent of all sponge consumed in the United States in 2018, threaten to impair the national security by placing the sole remaining U.S. titanium sponge producer's operation under severe financial stress. Low-priced sponge imports, as well as low priced titanium scrap imports, depress the price of U.S. titanium sponge and de-incentivize recapitalization of the remaining active facility's aging production capabilities. If the remaining facility ceases operation, the U.S. will have no active domestic capacity to produce titanium sponge for national defense and critical infrastructure needs.

Absent domestic titanium sponge production capacity, the U.S. will be completely dependent on imports of titanium sponge and scrap and will lack the surge capacity required to support defense and critical infrastructure needs in an extended national emergency.

Titanium producers, including producers of goods such as ingot, billet, sheet, coil, and tube, as well as end-users of finished titanium goods, are almost all entirely dependent on non-U.S. sources for sponge and scrap. This circumstance presents the possibility that, in a national emergency, U.S. titanium producers would be denied access to imports of titanium sponge and scrap due to supply disruption. If U.S. titanium producers do not have access to either domestic or imported supplies of sponge and scrap, their manufacturing operations would severely decline or cease once their existing titanium inventories were depleted. These working and strategic inventories have decreased substantially during the 2015 to 2018 period and are now estimated to only last approximately five months at current consumption rates. The U.S. no longer maintains titanium sponge in the National Defense Stockpile.

Further, under current global market conditions and the going rate of non-market Russian and Chinese titanium producers, it is difficult for the remaining U.S. titanium sponge producer to justify the capital investments needed for continued operations. This inability to invest threatens continued operation of the sole domestic titanium sponge plant. If this capacity and associated skilled workforce are lost, it will be challenging and prohibitively expensive to reconstitute U.S. titanium sponge production capabilities.

The Department acknowledges that larger industry trends, including increased use of titanium scrap and downstream producers' emphasis on scrap recovery, have decreased the need for titanium sponge. These trends reflect U.S. titanium producers and end users' interest in maximizing profits by leveraging lower scrap costs and mitigating the need for new sponge purchases. However, these trends do not eliminate the need for new titanium sponge. Certain titanium parts, particularly those used in national defense systems, cannot be made using scrap and require new titanium sponge. Moreover, approximately 52 percent of all scrap is imported and subject to the same potential supply disruptions as sponge. The remaining 48 percent of scrap that is domestically produced is also subject to potential supply disruptions. The vast majority of this scrap is generated from semi-fabricated and finished titanium product manufacturing operations, which rely on imported sponge for approximately 68 percent of their total sponge consumption.

The displacement of domestic titanium sponge by low-priced imports places the United States at risk of not being able to meet national security requirements during an emergency. The Secretary therefore finds that imports of titanium sponge threaten to impair the national security as defined in Section 232.

Recommendations

The Department has identified several potential actions that could be taken to address the threat of imports of titanium sponge to national security.[142] These actions include domestic initiatives and multilateral negotiations.

Option 1—Domestic Initiatives

The Department has identified two possible domestic initiatives that the U.S. government can undertake to stimulate reinvestment in domestic sponge production. These options include:

Option 1A—Voluntary Agreements With U.S. Titanium Sponge Producer(s) Under Title VII of the Defense Production Act of 1950

One of the challenges identified by the U.S. industry is that low prevailing market prices, which are driven by high volumes of imports, do not justify the capital investments required to sustain future production. To mitigate this situation, the U.S. government could temporarily compensate U.S. producer(s) for the difference between their current production costs and global purchase prices.

Such compensation would serve as a temporary bridge until such time that U.S. producer(s) could make the capital investments needed to upgrade or build production facilities, which will in turn lower production costs and safeguard

[141] Executive Office of the President, ''National Security Strategy of the United States of America'', (December 2017), 25.

[142] The following recommendations are the Department's and do not necessarily reflect the recommendations of the other agencies with which the Department consulted during the course of this investigation.

future production. Although the proposed compensation is not likely to cover the full cost of any major capital investment, it would nevertheless encourage U.S. producers to invest their own funds in modernizing sponge production.

As shown in Figure 1A below, the Department estimates that providing this compensation over a five-year period would cost approximately [TEXT REDACTED] per year, or approximately [TEXT REDACTED] of titanium sponge produced. The Department bases these calculations on the remaining active U.S. producer of titanium sponge and assumes a five-year period would be required to make the essential capital investments needed to safeguard production. After completion of needed capital investments, U.S. production costs are expected to be competitive with the global sponge prices, and the compensation would no longer be required.

[TEXT REDACTED]

	[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]	[TEXT REDACTED]
[TEXT REDACTED]	[TEXT REDACTED]	
[TEXT REDACTED]	[TEXT REDACTED]	
[TEXT REDACTED]	[TEXT REDACTED]	
[TEXT REDACTED]	[TEXT REDACTED]	

Option 1B—Expansion of the National Defense Stockpile To Include Titanium Sponge and Additional Amounts of Titanium Metal

The USG also could address the threatened impairment by adding additional titanium materials to the National Defense Stockpile, while simultaneously encouraging the upgrade of domestic sponge production capacity by instituting long-term supply contracts for U.S. producers of titanium sponge and metal. To encourage domestic sponge production, the agreement for this additional material would specify that the winning bidder(s) agree to provide U.S.-origin titanium sponge and domestically melted semi-finished titanium products to fulfill the anticipated 15-year contract.

In order to safeguard against supply chain disruptions, the proposed National Defense Stockpile would maintain one year's worth of U.S. titanium sponge consumption needs (combined defense and commercial). Department survey data on U.S. producers and melters' 2018–2019 inventories, consumption, and costs were used to calculate and estimate needs for this proposed stockpile. In 2018, 34,100 metric tons of titanium sponge were consumed in the U.S. The sole domestic manufacturer of titanium sponge produced sponge at a cost of [TEXT REDACTED]. Additionally, [TEXT REDACTED] of titanium sponge was held by U.S. commercial producers in their inventories in 2018. In order to maintain one years' worth of U.S. consumption in the proposed stockpile (34,100 metric tons total), the USG would have to procure [TEXT REDACTED] of titanium sponge in order to supplement the 2018 commercial inventory level of [TEXT REDACTED]. The agreement would stipulate that commercial inventory levels cannot be sold or liquidated and must be maintained at 2018 levels.

A 15-year agreement to procure the total shortfall of [TEXT REDACTED] would require the purchase of roughly [TEXT REDACTED] of titanium sponge per year, at an average price of [TEXT REDACTED], for a cost of [TEXT REDACTED]. The 15-year agreement would result in the procurement of [TEXT REDACTED] of sponge for the stockpile maintained by the USG at a total cost of [TEXT REDACTED]. However, the final amount and mix of sponge and metal (titanium ingots and billets) to be added would be determined by the DoD in consultation with the Department and other agencies. Commercial inventories in the U.S. (including inventories of non-U.S. suppliers) and other factors that could impact demand in a national emergency would be factored into the acquisition plan.

Option 2—Multilateral Negotiations

As the Department observed in the recent steel, aluminum, and uranium Section 232 investigations, non-market actors can substantially distort the global market for products through price, quantity, and market access. For titanium sponge and downstream products, Russia and China are examples of such non-market actors. In 2018, Russian and Chinese titanium sponge producers accounted for 61 percent of the world's titanium sponge production, an increase over their combined 55 percent share in 2008 and 37 percent share in 1998.

Non-market actors lower the price of titanium sponge, which causes financial harm to U.S. and other market producers, particularly Japan. Japanese producers have responded to low global prices by lowering their own sponge prices. Multilateral negotiations between the United States and other market producers of titanium sponge, including Japan and Kazakhstan, would present an opportunity to address issues affecting market titanium sponge production. The option below is budget neutral.

Option 2—Common Inventory of Sponge for Use Among the Parties To Mitigate Supply Issues

In this option, the U.S. and other market titanium producers could agree to establish pre-positioned strategic stores of sponge for use by titanium sponge customers to be held at their U.S. titanium facilities or other locations in the United States. The amount of sponge held would vary with the annual amount sold to each particular customer commensurate to their market share. This action would mitigate potential shortfalls in sponge imports caused by a national emergency.

U.S. Titanium Industrial Base Analysis

The Department, in collaboration with DoD, DOI, and USGS, should survey and assess the operating status and capacity of the U.S. titanium sponge and downstream titanium industries every three years. Such action would provide the USG with needed economic and

financial data on this critical industrial base sector.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–23301 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Transportation and Related Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on November 10, 2021, at 11:30 a.m., Eastern Standard Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Status reports by working group chairs.
3. Public comments and Proposals.

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2, 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than November 3, 2021. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 9, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2, (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2, 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Yvette Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021–23270 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Events and Efforts Supporting Cybersecurity Career Awareness Week

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 June 28, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Events and Efforts Supporting Cybersecurity Career Awareness Week.

OMB Control Number: 0693–0082.

Form Number(s): None.

Type of Request: Regular, revision of a current information collection.

Number of Respondents: 500.

Average Hours per Response: 10 minutes.

Burden Hours: 83 hours annually.

Needs and Uses: This collection is necessary to support the National Initiative for Cybersecurity Education (NICE) Strategic Plan objective to increase cybersecurity career awareness. The collection of information will allow the NICE Program Office to share with the public a compiled list of events and opportunities to learn about cybersecurity careers. Doing so will provide a resource for potential attendees, extend the reach of programs and efforts, and encourage more individuals and organizations to get involved in Cybersecurity Career Awareness Week.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0082.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–23278 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 211013–0207]

Draft of Promoting Access To Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People With Disabilities; Correction

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Notice; request for public comments; correction.

SUMMARY: The National Institute of Standards and Technology (NIST) published a document requesting public comments on the Draft *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* Document (Draft). The document was missing the docket number that would allow members of the public to search for the Draft on *www.regulations.gov.* The Draft is posted on the Federal eRulemaking Portal at *https://www.regulations.gov* and can be found by searching NIST–

2021–0005, as well as the NIST website at: *https://www.nist.gov/itl/voting.*

DATES: Comments must be received by 5:00 p.m. Eastern time on November 22, 2021. Written comments in response to the request for public comment should be submitted according to the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections below. Submissions received after that date may not be considered.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Electronic submission:* Submit electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov* and enter NIST–2021–0005 in the search field,

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

- *Email:* Comments in electronic form may also be sent to *pva-eo@list.nist.gov* in any of the following formats: HTML; ASCII; Word; RTF; or PDF.

Please submit comments only and include your name, organization's name (if any), and cite ''Promoting Access to Voting'' in all correspondence.

FOR FURTHER INFORMATION CONTACT: For questions about the request for public comment contact: Kevin Mangold, NIST, at (301) 975–5628, or email *Kevin.Mangold@nist.gov.* Please direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762. Users of telecommunication devices for the deaf, or a text telephone, may call the Federal Relay Service, toll free at 1–800–877–8339.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, NIST will make the Draft available in alternate formats, such as Braille or large print, upon request by persons with disabilities.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of October 21, 2021, in FR Doc. 2021–22757, on page 58256, in the first column, correct the first line to read:

1. Go to *www.regulations.gov* and enter NIST–2021–0005 in the search field.

Background

Additional information from the original notice is reprinted below.

As stated in Executive Order 14019, Promoting Access to Voting,[1] the right to vote is the foundation of American democracy. Under section 7 of Executive Order 14019, (Ensuring Equal Access for Voters with Disabilities), NIST is directed to evaluate the steps needed to ensure that the online Federal Voter Registration Form is accessible to people with disabilities and identify barriers to private and independent voting for people with disabilities and make recommendations to remove these barriers. NIST is seeking public comment on the Draft *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* document. The Draft was developed by NIST using information collected through the Request for Information (RFI) that was published in the **Federal Register** on June 16, 2021, review of reports, papers and other literature, and engagement with stakeholder organizations and election officials.

Request for Comment

NIST seeks public comments on the draft *Promoting Access to Voting: Recommendations for Addressing Barriers to Private and Independent Voting for People with Disabilities* document and the draft recommendations contained in it regarding both the Federal Voter Registration Form as well as the barriers it has identified that prevent people with disabilities from exercising their fundamental rights and the ability to vote privately and independently. NIST is seeking comment from persons with disabilities, disability advocacy groups, assistive technology vendors and professionals, non-partisan voting promotion groups, voting technology vendors, election officials and other key stakeholders.

The Draft is available electronically from the NIST website at: *https://www.nist.gov/itl/voting* as well as *www.regulations.gov.* A comment template is available at: *https://www.nist.gov/itl/voting.* Use of the comment template is suggested but not required. Interested parties should submit comments in accordance with the **DATES** and **ADDRESSES** section of this notice.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. NIST reserves the right to publish relevant comments publicly, unedited and in their entirety. All relevant comments received will be made publicly available at *https://www.nist.gov/itl/voting* and *regulations.gov*. Personally identifiable information (PII), such as street addresses, phone numbers, account numbers or Social Security numbers, or names of other individuals, should not be included. NIST asks commenters to avoid including PII as NIST has no plans to redact PII from comments. Do not submit confidential business information, or otherwise sensitive or protected information. Comments that contain profanity, vulgarity, threats, or other inappropriate language or content will not be considered. NIST requests that commenters, to the best of their ability, only submit attachments that are accessible to people who rely upon assistive technology. A good resource for document accessibility can be found at: *section508.gov/create/documents.*

Authority: Exec. Order No. 14019, Promoting Access to Voting, 86 FR 13623 (Mar. 07, 2021).

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–23309 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–13–P

[1] Exec. Order No. 14019, Promoting Access to Voting, 86 FR 13623 (Mar. 07, 2021).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Manufacturing Extension Partnership Management Information Reporting

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 July 6, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Institute of Standards and Technology (NIST), Commerce.

Title: Manufacturing Extension Partnership Management Information Reporting.

OMB Control Number 0693–0032.

Form Number(s): None.

Type of Request: Regular, revision of a current information collection.

Number of Respondents: 51.

Average Hours per Response: 22 Hours for Quarterly Review, 6 Hours for Semi-Annual Review, 30 hours for the Annual Review; 80 hours for Panel Review.

Burden Hours: 6,120 hours for quarterly, semi-annual, and annual Review; and 1,360 hours for Panel Review.

Needs and Uses: NIST MEP offers technical and business solutions to small- and medium-sized manufacturers to improve their productivity, improve profitability, and enhance their economic competitiveness. This is a major program which links all 50 states and Puerto Rico and the manufacturers through more than 350 affiliated MEP Centers and Field Offices. NIST MEP has many legislative and contractual requirements for collecting data and information from the MEP Centers. This information is used for the following purposes: (1) Program Accountability, (2) Reports to Stakeholders, (3) Continuous Improvement; and (4) Identification of Distinctive Practices.

Affected Public: Private sector.

Frequency: Quarterly, Semi-Annually, and Annually.

Respondent's Obligation: Required to obtain benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0693–0032.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–23277 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Open Meeting of the Information Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, December 8, 2021 and Thursday, December 9, 2021 from 10:00 a.m. until 4:30 p.m., Eastern Time. All sessions will be open to the public.

DATES: The meeting will be held on Wednesday, December 8, 2021 and Thursday, December 9, 2021 from 10:00 a.m. until 4:30 p.m., Eastern Time.

ADDRESSES: The meeting will be a virtual meeting via webinar. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Jeff Brewer, Information Technology Laboratory, National Institute of Standards and Technology, Telephone: (301) 975–2489, Email address: *jeffrey.brewer@nist.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. app., notice is hereby given that the ISPAB will hold an open meeting Wednesday, December 8, 2021 and Thursday, December 9, 2021 from 10:00 a.m. until 4:30 p.m., Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g–4, as amended, and advises the National Institute of Standards and Technology (NIST), the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal government information systems, including through review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB's activities are available at *https://csrc.nist.gov/projects/ispab.*

The agenda is expected to include the following items:

—Briefing from NIST on recent activities from the Information Technology Laboratory,
—Board Discussion on Executive Order 14028, Improving the Nation's Cybersecurity (May 12, 2021) deliverables and impacts to date,
—Discussion on Agency Responsibilities for Cybersecurity Risk Management,
—Presentation from NIST on Cybersecurity Metrics and Measurements,
—Briefing from NIST on the Post Quantum Program,
—Briefing from the Office of Management and Budget on recent cybersecurity policies,
—Public Comments.

Note that agenda items may change without notice. The final agenda will be posted on the ISPAB event page at: *https://csrc.nist.gov/Events/2021/ispab-december-2021-meeting.*

Public Participation: Written questions or comments from the public are invited and may be submitted electronically by email to Jeff Brewer at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice by 5 p.m. on Tuesday, December 7, 2021.

The ISPAB agenda will include a period, not to exceed thirty minutes, for submitted questions or comments from the public between 3:30 p.m. and 4:00 p.m. on Wednesday, December 08, 2021. Submitted questions or comments from the public will be selected on a first-come, first-served basis and limited to five minutes per person.

Members of the public who wish to expand upon their submitted statements, those who had wished to submit a question or comment but could not be accommodated on the agenda, and those who were unable to attend the meeting via webinar are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory by email to: *jeffrey.brewer@nist.gov.*

Admittance Instructions: All participants will be attending via webinar and must register on ISPAB's event page at: *https://csrc.nist.gov/Events/2021/ispab-december-2021-meeting* by 5 p.m. Eastern Time, Tuesday, December 7, 2021.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–23326 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 210921–0192]

National Cybersecurity Center of Excellence (NCCoE) Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites organizations to provide letters of interest describing products and technical expertise to support and demonstrate security platforms for the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project. This notice is the initial step for the National Cybersecurity Center of Excellence (NCCoE) in collaborating with technology companies to address cybersecurity challenges identified under the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project. Participation in the project is open to all interested organizations.

DATES: Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than November 26, 2021.

ADDRESSES: The NCCoE is located at 9700 Great Seneca Highway, Rockville, MD 20850. Letters of interest must be submitted to *iot-onboarding@nist.gov* or via hardcopy to National Institute of Standards and Technology, NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Interested parties can access the letter of interest template by visiting *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding* and completing the letter of interest webform. NIST will announce the completion of the selection of participants and inform the public that it will no longer accept letters of interest for this project at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding.* Organizations whose letters of interest are accepted will be asked to sign a consortium Cooperative Research and Development Agreement (CRADA) with NIST; a template CRADA can be found at: *https://nccoe.nist.gov/library/nccoe-consortium-crada-example.*

FOR FURTHER INFORMATION CONTACT: Paul Watrobski via email to *iot-onboarding@nist.gov;* by mail to National Institute of Standards and Technology, NCCoE; 9700 Great Seneca Highway, Rockville, MD 20850. Additional details about the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project are available at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding.*

SUPPLEMENTARY INFORMATION:

Background: The NCCoE, part of NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE brings together experts from industry, government, and academia under one roof to develop practical, interoperable cybersecurity approaches that address the real-world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems; reduce risk for companies and individuals using IT systems; and encourage development of innovative, job-creating cybersecurity products and services.

Process: NIST is soliciting responses from all sources of relevant security capabilities (see below) to enter into a Cooperative Research and Development Agreement (CRADA) to provide products and technical expertise to support and demonstrate security platforms for the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project. The full project can be viewed at: *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding.* Interested parties can access the template for a letter of interest by visiting the project website at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding* and completing the letter of interest webform. On completion of the webform, interested parties will receive access to the letter of interest template, which the party must complete, certify as accurate, and submit to NIST by email or hardcopy. NIST will contact interested parties if there are questions regarding the responsiveness of the letters of interest to the project objective or requirements identified below. NIST will select participants who have submitted complete letters of interest on a first come, first served basis within each category of product components or capabilities listed below up to the number of participants in each category necessary to carry out this project. When the project has been completed, NIST will post a notice on the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project website at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding* announcing the completion of the project and informing the public that it will no longer accept letters of interest for this project. Completed letters of interest should be submitted to NIST and will be accepted on a first come, first served basis. There may be continuing opportunity to participate even after initial activity commences for participants who were not selected initially or have submitted the letter interest after the selection process. Selected participants will be required to enter into a consortium CRADA with NIST (for reference, see **ADDRESSES** section above).

Project Objective: The NCCoE will build a trusted network-layer onboarding solution example using commercially available technology that will address a set of cybersecurity challenges aligned to the NIST Cybersecurity Framework and Risk Management Framework. The project's objective is to define recommended practices for performing trusted network-layer onboarding, which will aid in the implementation and use of trusted onboarding solutions for IoT devices at scale. This project seeks to define and demonstrate onboarding solutions that can be broadly adopted for use by many industry sectors. The proposed proof-of-concept solution(s) will integrate commercial and open source products that leverage cybersecurity standards and recommended practices to demonstrate the use case scenarios detailed in the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management: Enhancing Internet Protocol-Based IoT Device and Network Security* available at: *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding.* This project will result in a publicly available NIST Cybersecurity Practice Guide as a Special Publication 1800 series, a detailed implementation guide describing the onboarding security requirements and practical steps needed to implement a cybersecurity reference implementation.

Requirements for Letters of Interest: Each responding organization's letter of interest should identify which security platform component(s) or capability(ies) it is offering. Letters of interest should not include company proprietary information, and all components and capabilities must be commercially available. Components are listed in section 3 of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management: Enhancing Internet Protocol-Based IoT Device and Network Security* project description at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding* and include, but are not limited to:

Core Components:

- *IoT devices:* Each device must be able to participate in trusted network-

layer onboarding and to securely store private keys, credentials, and other information. Each device may have other capabilities that enable its use with additional solution components, such as the examples listed below.

- *Network onboarding component:* The network onboarding component is a logical component on the network that runs the network-layer onboarding protocol. It is authorized to interact with IoT devices on behalf of the network and use the network layer onboarding protocol to onboard devices to the network.
- *Authorization service:* The authorization service must be able to determine which IoT devices are authorized to be onboarded to the network and maintain a record of onboarded devices.
- *Supply chain integration service:* The supply chain integration service receives information about devices that the organization has purchased and provides this information to the authorization service to help the authorization service determine which devices are authorized to be onboarded to the network.
- *Access point, router or switch:* The access point, router, or switch must be able to route all traffic exchanged between the IoT devices and the rest of the network.

Additional Functional Components:

- *Device intent management:* This could include device intent managers, information servers, and components applying device intent policy.
- *Attestation service:* An attestation service could receive attestation tokens from IoT devices, evaluate them, and generate results that it returns to the network onboarding component to enable that component to decide whether or not the devices are trustworthy enough to be onboarded. The attestation service could also receive attestation tokens from IoT devices and any other connected components on an ongoing basis to help determine their continued trustworthiness.
- *Controller, application server or cloud service:* This remote service could securely download one or more applications to the device during application-layer onboarding.
- *Lifecycle management service:* This service could perform ongoing, automated lifecycle management of the device, such as applying firmware, software, and configuration updates to manage the overall security posture of the device throughout its lifecycle.
- *Asset management:* This service could integrate with the onboarding system to enable cross-checking the list of devices that have been securely onboarded with the inventory of connected devices. It could also monitor the software and configuration of onboarded IoT devices for known vulnerabilities.

Devices and Network Infrastructure Components:

- *Device endpoints:* Assets include the devices/endpoints, such as laptops, tablets, and other mobile or IoT devices, that connect to the enterprise.
- *Enterprise resources:* Enterprise resources include data and compute resources as well as applications/services hosted and managed on premise, in the cloud, at the edge, or some combination of these.
- *Network infrastructure:* Network infrastructure components encompass network resources a medium or large enterprise might typically deploy in its environment. It is assumed that the IoT device network layer onboarding core and functional components and devices are connected via, or integrated into, the network infrastructure. The NCCoE will provide these components as part of its internal lab infrastructure.

Each responding organization's letter of interest should identify how their products help address one or more of the following desired security characteristics and properties in section 3 of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management: Enhancing Internet Protocol-Based IoT Device and Network Security* project description at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding:*

- There is ongoing enforcement of device intent-based communication constraints and network segmentation.
- There is ongoing automated device lifecycle management that keeps the device updated and patched.
- There is ongoing mutual attestation of the device and its lifecycle management service.
- There is ongoing device software and configuration monitoring that includes cross-checking of onboarded devices with discovered devices.
- Each device executes its defined application.
- Each device connects to the network securely.
- If device intent is supported, the traffic filters that were specified by the device intent information are enforced to ensure that communications to and from the device are restricted to only those that are required. Local network policy can also be applied in addition to the device intent-specified policy.
- The device can be assigned to a particular network segment, for example based on level of trust, device type, or attestation token evaluation. The device can be dynamically reassigned to another segment, such as quarantining the device if its trustworthiness comes into question.
- The device's firmware, software, and configuration are updated and patched as needed to address vulnerabilities.
- The device and its trusted lifecycle management service perform ongoing mutual attestation to ensure each other's trustworthiness.
- If the trusted network-layer onboarding solution and the organization's asset management system are integrated, the asset management system can periodically cross-check its discovered devices with the onboarded IoT devices to ensure there are no discrepancies. The asset management system can also monitor the devices' software and configurations to identify known vulnerabilities.

In their letters of interest, responding organizations need to acknowledge the importance of and commit to provide:

1. Access for all participants' project teams to component interfaces and the organization's experts necessary to make functional connections among security platform components.
2. Support for development and demonstration of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project, which will be conducted in a manner consistent with the following standards and guidance: FIPS 200, SP 800–37, SP 800–53, SP 800–63, SP 1800–15, and NISTIR 8259A.
3. Additional details about the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project are available at *https://www.nccoe.nist.gov/projects/building-blocks/iot-network-layer-onboarding.*

NIST cannot guarantee that all of the products proposed by respondents will be used in the demonstration. Each prospective participant will be expected to work collaboratively with NIST staff and other project participants under the terms of the consortium CRADA in the development of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project. Prospective participants' contribution to the collaborative effort will include assistance in establishing the necessary interface functionality, connection and set-up capabilities and procedures, demonstration harnesses, environmental and safety conditions for use, integrated platform user instructions, and demonstration plans and scripts necessary to demonstrate the

desired capabilities. Each participant will train NIST personnel, as necessary, to operate its product in capability demonstrations. Following successful demonstrations, NIST will publish a description of the security platform and its performance characteristics sufficient to permit other organizations to develop and deploy security platforms that meet the security objectives of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project. These descriptions will be public information.

Under the terms of the consortium CRADA, NIST will support development of interfaces among participants' products by providing IT infrastructure, laboratory facilities, office facilities, collaboration facilities, and staff support to component composition, security platform documentation, and demonstration activities.

The dates of the demonstration of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project capability will be announced on the NCCoE website at least two weeks in advance at *https://nccoe.nist.gov/.* The expected outcome will demonstrate how the components of the *Trusted Internet of Things (IoT) Device Network-Layer Onboarding and Lifecycle Management* project architecture can provide security capabilities to mitigate onboarding identified risks. Participating organizations will gain from the knowledge that their products are interoperable with other participants' offerings.

For additional information on the NCCoE governance, business processes, and NCCoE operational structure, visit the NCCoE website *https://nccoe.nist.gov/.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2021–23293 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; External Needs Assessment for NOAA Education Products and Programs

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 July 23, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: External Needs Assessment for NOAA Education Products and Programs.

OMB Control Number: 0648–0784.

Form Number(s): None.

Type of Request: Regular submission [revision and extension of currently approved collection].

Number of Respondents: 1,200 annually.

Average Hours per Response: Five minutes per survey.

Total Annual Burden Hours: 100.

Needs and Uses: This is a request for revision and extension of a currently approved information collection. The National Ocean Service (NOS) on behalf of the NOAA's Education Council is revising and extending a voluntary multi-question survey used to assess the needs of educators pertaining to the development of future NOAA multimedia products and programs. In developing multimedia materials that convey NOAA science, service, and stewardship, the Agency must ensure that these resources are of the highest quality and meet the needs of formal and informal educators across the United States. To achieve this goal, it is necessary to conduct surveys identifying the types of educational programs and products that are of the highest interest and greatest need by formal and informal educators. By surveying external educators to gather this information, budget expenditures will be used optimally to develop appropriate products and programs most desired by educators to support and enhance Ocean and Earth science, in addition to other related STEM education subjects throughout our nation. NOAA will use the data to plan, design, and create multimedia products and programs.

The proposed revisions would expand the level of detail in the currently approved information collection. As a result of the Covid–19 pandemic, learning and teaching have changed. The proposed revisions would expound upon previously collected data, giving a better indication of educators' needs regarding multimedia products and programs in their teaching as well as the educator's professional development.

Affected Public: Formal and Informal Educators.

Frequency: Once annually.

Respondent's Obligation: Voluntary.

Legal Authority: The America COMPETES Act, 33 U.S.C. 893–893B, which directs NOAA to conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0784.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–23279 Filed 10–25–21; 8:45 am]

BILLING CODE 3510–JE–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2018–0005]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey on Smoke and Carbon Monoxide Alarms

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB), a request for extension of approval for an information collection on a survey that will estimate the use of smoke and

carbon monoxide alarms in United States households. On July 23, 2021, the CPSC published a notice in the **Federal Register** announcing the agency's intent to seek approval of this collection of information. After reviewing and considering the comments, the Commission announces that it has submitted a request for approval of this collection of information to the OMB.

DATES: Submit written or electronic comments on the collection of information by November 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to: *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. In addition, written comments that are sent to OMB also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2018–0005.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7991, or by email to: *cgillham@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The Commission is authorized under section 5(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2054(a), to conduct studies and investigations relating to the causes and prevention of deaths, accidents, injuries, illnesses, other health impairments, and economic losses associated with consumer products. Section 5(b) of the CPSA, 15 U.S.C. 2054(b), further provides that the Commission may conduct research, studies, and investigations on the safety of consumer products or test consumer products and develop product safety test methods and testing devices.

In 1992, the CPSC sponsored a national in-home survey to collect information on the number of residential smoke alarms in actual use in homes and to evaluate the operability of the sampled alarms. The results were published in the 1994 report, *Consumer Product Safety Commission Smoke Detector Operability Survey Report on Findings.*[1] Although the survey results, for many years, were instrumental in developing state and local codes and standards related to smoke alarms, subsequent changes in technology, installation codes, and state/local ordinances in the past 25 years have rendered the information outdated and less effective. Stakeholders' groups for fire loss prevention have identified a need for an updated national survey to increase the installation and maintenance of smoke alarms in the United States. In addition, installations of CO alarms have increased since 1992. Accordingly, CPSC sought to update its data information collection related to smoke and CO alarm use through a new survey, the National Smoke and CO Alarm Survey (SCOA survey).

Although the SCOA survey initially commenced in January 2019, CPSC experienced lower response rates relative to expectations in the administration of the SCOA survey in fielding locations than had been established by the study's approved methodology. To correct for this challenge, and to complete the number of homes surveyed in the contract, CPSC undertook a revised sampling method and contact protocol for participant recruitment. Among the revisions to the methodology, CPSC included a redesign of the recruitment, screening, and in-home survey, based on a random walk, door-to-door knocking sample methodology. The SCOA survey seeks to collect information from 1,185 households within the United States. The survey will be conducted only through face-to-face, in-home interviews. Following all COVID–19 safety precautions, survey professionals will provide prenotification door hangers, requesting participation in the survey. These households will be recruited, willing participants will be provided with consent forms, and the survey team will administer questions regarding the residence type, and smoke and CO alarm availability and functionality in the residences. The survey team also will identify, test, and examine several of the alarms in the home, as time permits; and if the alarms are found to be faulty, the survey team will offer to provide new alarms or batteries, and will do so if requested by the participant. No action will be taken if participants choose not to have the alarm fixed or replaced.

CPSC contracted with EurekaFacts to conduct the SCOA survey through a national in-home survey that would estimate the use and functionality of smoke and CO alarms in households, as well as assess user hazard perceptions regarding such alarms. The purpose of the SCOA survey is to collect data that will assist CPSC with better estimation of the number and types of smoke and CO alarms installed in U.S. households, the proportion of working smoke and CO alarms, the characteristics of residences and residents where the smoke and CO alarms are not operational, perceptions of residents related to the causes of ''false'' alarms or causes of faulty alarms, consumer hazard awareness, and consumer behavior related to alarm use and smoke and CO hazards.

The information collected from the SCOA survey would provide CPSC updated national estimates regarding the use of smoke alarms and CO alarms in households, based on direct observation of alarm installations. The survey also would help CPSC identify the groups who do not have operable smoke alarms and/or CO alarms and help CPSC understand the reasons why these groups do not have such alarms. With this information, CPSC would be able to target its messaging better and help to improve consumer use and awareness regarding the operability of these alarms. In addition, the survey results would help to inform CPSC's recommendations to voluntary standards groups and state/local jurisdictions regarding their codes, standards, and/or regulations on smoke and CO alarms.

B. Burden Hours

We estimate the number of respondents to be 1,185. We estimate the total annual burden hours for respondents to be 1,552 hours, based on the total time required to respond to the invitation, screener, and the actual survey. According to the U.S. Bureau of Labor Statistics, the total compensation for civilian workers in March 2021 was $39.01 per hour (Employer Cost for Employee Compensation, Table 2). Therefore, CPSC estimates the cost burden for respondents to be $60,544 ($39.01 per hour × 1,552 hours = $60,543.52). The total cost to the federal government for the contract to design and conduct the revised survey is $562,725.

C. Response to Comments

On July 23, 2021, notice of the SCOA survey was published in the **Federal Register**. 86 FR 39006. The CPSC received one comment. The commenter stated that although survey email may produce some results, door-to-door solicitation should not be conducted because people do not want strangers coming to their front door.

Staff agrees that current public perceptions regarding an in-person survey are significantly different than when the smoke alarm survey was last conducted in 1992. However, the initial rollout of the survey in 2019, soliciting

[1] 1. Charles L. Smith, *Smoke Detector Operability Survey—Report on Findings,* (Bethesda, MD: CPSC, November 1993).

randomly selected households via a mailed pre-notification letter, which were subsequently screened for an in-home or telephone interview, resulted in an extremely low response rate. To increase the response rate, the SCOA survey recruitment effort was redesigned as a door-to-door walk-recruitment methodology. Field teams distribute door hangers on randomly selected households to provide prenotification that researchers will be knocking on doors asking for participation in a survey. A pilot survey conducted in the Washington metro area showed significant improvement in the response rate. Accordingly, to obtain the best information available, the SCOA survey data collection will continue to use this door-to-door recruitment methodology, recognizing that home visits by trained data collectors with inspection and testing provide much better-quality data compared to telephone or internet surveys. Accordingly, the Commission announces that it has submitted a request to OMB for approval of renewal of this collection of information.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2021–23249 Filed 10–25–21; 8:45 am]

BILLING CODE P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0102]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Follow-Up Activities for Product-Related Injuries Including NEISS

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval for an information collection to obtain data on consumer product-related injuries, and follow-up activities for product-related injuries. OMB previously approved the collection of information under OMB Control No. 3041–0029. On July 20, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received no comments. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of this collection of information.

DATES: Submit written or electronic comments on the collection of information by November 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to: *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. In addition, written comments that are sent to OMB also should be submitted electronically at: *http://www.regulations.gov,* under Docket No. CPSC–2009–0102.

FOR FURTHER INFORMATION CONTACT: For further information, or a copy of the supporting statement, contact: Bretford Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *bgriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On July 20, 2021, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek approval for extension of the collection of information. 86 FR 38316. The Commission received no comments. Accordingly, the Commission announces that it has submitted a request for approval for renewal of this collection of information to the OMB.

A. Background

Section 5(a) of the Consumer Product Safety Act, 15 U.S.C. 2054(a), requires the CPSC to collect information related to the causes and prevention of death, injury, and illness associated with consumer products. That section also requires the CPSC to conduct continuing studies and investigations of deaths, injuries, diseases, other health impairments, and economic losses resulting from accidents involving consumer products.

The CPSC obtains information about product-related deaths, injuries, and illnesses from a variety of sources, including newspapers, death certificates, consumer complaints, and medical facilities. In addition, the CPSC receives information through its internet website through forms reporting on product-related injuries or incidents. The CPSC also operates the National Electronic Injury Surveillance System (NEISS), which provides statistical data on consumer product-related injuries treated in hospital emergency departments in the United States. The CPSC also uses the NEISS system to collect information on childhood poisonings, in accordance with the Poison Prevention Packaging Act of 1970.

From these sources, CPSC staff selects cases of interest for further investigation, by contacting persons who witnessed or were injured in incidents involving consumer products. These investigations are conducted on-site (face-to-face), by telephone, or by the internet. On-site investigations are usually made in cases where CPSC staff needs photographs of the incident site, the product involved, or detailed information about the incident. This information can come from face-to-face interviews with persons who were injured or who witnessed the incident, as well as via contact with state and local officials, including police, coroners, and fire investigators, and others with knowledge of the incident.

Through interagency agreements, the CPSC also uses the NEISS system to collect information on injuries for the Centers for Disease Control and Prevention (CDC) under the NEISS All Injury Program (NEISS–AIP). The NEISS–AIP is a sub-sample of approximately two-thirds of the full NEISS sample. In addition to the standard data variables collected on all NEISS injuries, the NEISS–AIP collects variables on several studies for CDC (Firearm-Related Injuries, Adverse Drug Events, Assaults, Self-Inflicted Violence, and Work-Related Injuries) and one study on non-crash, motor vehicle-related injuries for the National Highway and Transportation Safety Administration (NHTSA).

The current NEISS probability sample was drawn and recruited in 1995–1996, and implemented in 1997. The current NEISS sample consists of 96 hospital emergency departments grouped into four strata, based on size, as measured by the annual number of emergency department (ED) visits, and a fifth stratum for children's hospitals. When a hospital stops participating in the NEISS, staff recruits a hospital of similar size and geographic location as a replacement. If a participating hospital closes, it is not replaced, because its closure is presumed to represent other hospitals that have closed nationally. As of January 1, 2021, there are currently 81 hospitals participating in the NEISS.

In September 2019, CPSC contracted with Westat, Inc., under CPSC contract 61320619F0134, to give the agency an independent statistical assessment of

the NEISS and the NEISS–AIP samples.[1] The primary focus of this contract was to analyze the advantages and disadvantages of keeping, expanding, or resampling the current samples of NEISS and NEISS–AIP hospitals. Westat recommended that CPSC redesign the NEISS sample, and, consistent with that recommendation, CPSC is revising its sampling methodology.

In the redesigned NEISS sample, CPSC staff uses a resampling method that maximizes the probability of retaining as many of the current NEISS hospitals as possible, while maintaining the statistical integrity of the NEISS. Among eligible hospital emergency departments, some have migrated from one stratum to another; others have come into existence since the last resampling of the NEISS or ceased to exist. The method used in resampling the NEISS is an extension of the Keyfitz procedures for stratified simple random samples.[2] Staff identified several advantages of retaining as many of the current NEISS hospitals as possible, including: (1) The contracting, data-collection, and quality-control mechanisms already exist in the hospitals in the current sample; (2) it is a cost-effective procedure; and (3) there is less disruption in trend analysis. The new NEISS sample will contain a mixture of current NEISS hospitals, along with new hospitals recruited to join the NEISS, as follows:

NEW NEISS SAMPLE

Stratum	NEISS redesign	2021 NEISS: reporting (retained)	2021 NEISS: reporting (dropped)	2021 NEISS: replacements (retained)	2021 NEISS: replacements (dropped)	New
Small	43	30	0	8	3	5
Medium	26	14	1	1	0	11
Large	12	11	8	0	1	1
Very Large	11	9	0	2	0	0
Children's	8	7	1	0	0	1
Total	100	71	10	11	4	18

CPSC recognizes that one of the advantages of a long-running NEISS sample is the ability to track trends across time and updating the NEISS sample will impact that analysis. An overlap, or bridge period, during which data are collected from the old and the new samples, can adjust for any time series that crosses over two NEISS samples. CPSC plans to conduct a 12-month overlap as part of the implementation of the new NEISS sample. Having a full 12-month overlap period accounts better for seasonality of some consumer product-related injuries. By comparing estimates calculated from both samples, it is possible to adjust (backcast) old estimates to be consistent with the new sample. The overlap period will consist of all of calendar year 2023, but it is dependent upon the successful recruitment of the 11 replacement and 18 new hospitals. If NEISS hospital recruitment is successful, the overlap period will run all of calendar year 2023. The national estimates for 2023 will be calculated using the new NEISS sample with historical estimates from 2022, and prior years ''backcast'' to adjust for the sample update. If NEISS hospital recruitment is delayed, and the 12-month overlap period spans July 2023 through June 2024, then 2023 national estimates will be calculated using the old NEISS sample, and 2024 national estimates would use the new NEISS sample.

B. NEISS Estimated Burden

The NEISS system collects information on consumer product-related incidents and other injuries from a statistical sample of hospitals in the United States. The number of hospitals participating in CY 2021 through CY 2024 will fluctuate from the current 81 reporting, to as high as 110.

Respondents to NEISS include hospitals that directly report information to NEISS, and hospitals that allow access to a CPSC contractor who collects the data. Collecting emergency department records for review, correcting error messages, and other tasks takes from 2.5 to 6 hours weekly. Each record requires about 30 seconds to review. Coding and reporting records that involve consumer products or other injuries takes about 2 minutes per record. Coding and reporting on additional special study information (Adverse Drug Effects) takes about 2 minutes and 90 seconds per record for other special studies. Respondents also spend about 8 to 36 hours per year in related activities (training, evaluations, and communicating with other hospital staff).

During CY 2023, assuming there will be a total of 110 hospitals participating in the NEISS, with an estimated 160 NEISS respondents (total hospitals and CPSC contractors), these NEISS respondents will review an estimated 6 million emergency department records and report 1.2 million total cases (470,000 consumer product-related injuries for CPSC, and 730,000 other injuries for the NEISS–AIP). The table below lists the estimated number of reported cases, and the estimated number of reported cases with additional special study information.

Total NEISS cases reported	1.2 million
Consumer Product-Related Injuries	470,000
CDC NEISS–AIP	730,000
Special Studies Reported (subset of above)	
Child Poisoning (CPSC)	5,000
Adverse Drug Events (CDC)	94,000
Assaults (CDC)	84,000
Firearm-Related Injuries (CDC)	12,000
Self-Inflicted Violence (CDC)	22,000
Work-Related Injuries (CDC)	54,000
Motor Vehicle Non-Crash Injuries (NHTSA).	17,000

The total burden hours for all NEISS respondents are estimated to be 130,000 for CY 2023. The average burden hours per respondent is 800 hours. However, the total burden hours on each respondent varies, due to differences in the sizes of the hospitals (*e.g.,* small rural hospitals versus large metropolitan hospitals). The smallest hospital will report an estimated 250 cases, with a burden of about 150 hours; while the

[1] David Marker, Jim Green, Frost Hubbord, Richard Valliant, ''Statistical Assessment of the NEISS and NEISS–AIP Samples: Final Technical Report,'' Westat Inc., September 24, 2020.

[2] J. Michael Brick, David R. Morganstein, Charles, L. Wolter, ''Additional Uses for Keyfitz Selection,'' Westat Inc., 1987. (*http://www.asasrms.org/Proceedings/papers/1987_140.pdf*).

largest hospital will report an estimated 60,000 cases, with a burden of about 4,500 hours.

The total costs to NEISS respondents for CY 2023 are estimated at $6.5 million. NEISS respondents enter into contracts with CPSC and are compensated for these costs. The average cost per respondent is estimated to be $41,000. The average cost per burden hour is estimated to be $50 per hour (including wages and overhead). However, the actual cost to each respondent varies, due to the type of respondent (hospital versus CPSC contractor), size of hospital, and regional differences in wages and overhead. Therefore, the actual annual cost for any given respondent may vary from $3,000 for a small rural hospital, up to $450,000 for the largest metropolitan hospital.

C. Other Burden Hours

In cases that require more information regarding product-related incidents or injuries, CPSC staff conducts face-to-face interviews with approximately 375 persons each year. On average, an on-site interview takes about 4.5 hours. CPSC staff also conducts about 2,000 in-depth investigations (IDIs) by telephone annually using a Computer Assisted Telephone Interview (CATI) or self-administered Computer Assisted internet Interview (CAII) questionnaires. Each CATI or CAII IDI requires about 20 minutes. CPSC staff estimates 2,355 annual burden hours on these respondents: 1,688 hours for face-to-face interviews; 667 hours for in-depth telephone or internet interviews. CPSC's staff estimates the value of the time required for reporting is $38.60 an hour (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' March 2021). At this valuation, the estimated annual cost to the public is about $90,903. The cost to the government for the collection of this NEISS information is estimated to be about $8.9 million a year. However, this estimate includes $6.5 million in compensation to NEISS respondents, as described above.

This information collection request excludes the burden associated with other publicly available Consumer Product Safety Information Databases, such as internet complaints, Hotline, and Medical Examiners and Coroners Alert Project (MECAP) reports, which are approved under OMB control number 3041–0146. This information collection request also excludes the burden associated with follow-up investigations conducted by other federal agencies.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2021–23302 Filed 10–25–21; 8:45 am]

BILLING CODE 6355–01–P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting; November 10 and December 8, 2021

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 10, 2021. A business meeting will be held the following month on Wednesday, December 8, 2021. Both the hearing and the business meeting are open to the public. Both meetings will be conducted remotely. Details about the remote platform and how to attend will be posted on the Commission's website, *www.drbc.gov,* on or after October 29, 2021 for the public hearing and no later than November 26, 2021 for the business meeting.

Public Hearing. The Commission will conduct the public hearing remotely on November 10, 2021, commencing at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources. The list of draft dockets scheduled for hearing, including project descriptions, will be posted on the Commission's website, *www.drbc.gov,* in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on November 10, 2021 will be accepted through 5:00 p.m. on November 16, 2021.

The public is advised to check the Commission's website periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review, and items may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

Public Meeting. The public business meeting on December 8, 2021 will begin at 10:30 a.m. and will include: Adoption of the Minutes of the Commission's September 09, 2021 business meeting; announcement of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required.

After all scheduled business has been completed and as time allows, the business meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission outside the context of a duly noticed, on-the-record public hearing, on any topic concerning management of the Basin's water resources.

There will be no opportunity for additional public comment for the record at the December 8 business meeting on items for which a hearing was completed on November 10 or a previous date. Commission consideration on December 8 of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Sign-Up for Oral Comment. Individuals who wish to comment on the record during the public hearing on November 10 or to address the Commissioners informally during the Open Public Comment portion of the meeting on December 8 are asked to sign up in advance through EventBrite. Links to EventBrite for the public hearing and the business meeting will be available at *www.drbc.gov* at least 10 days before the public hearing. For assistance, please contact Ms. Patricia Hausler of the Commission staff, at *patricia.hausler@drbc.gov.*

Submitting Written Comment. Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at *www.drbc.gov.* Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628–0360. For assistance in using the web-based comment system, please contact Patricia Hausler of the Commission staff, at *patricia.hausler@drbc.gov.*

Accommodations for Special Needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, 609–883–9500, ext. 240. For other questions concerning hearing items, please contact David Kovach, Project Review Section Manager, at 609–883–9500, ext. 264.

Authority: Delaware River Basin Compact, Public Law 87–328, Approved September 27, 1961, 75 Statutes at Large, 688, sec. 14.4.

Dated: October 20, 2021.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2021–23323 Filed 10–25–21; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0102]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Education Stabilization Fund—Governor's Emergency Education Relief Fund (GEER I and GEER II) Recipient Data Collection Form

AGENCY: Office of Elementary and Secondary Education (OESE), 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 November 26, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Gloria Tanner, 202–453–5596.

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: Education Stabilization Fund- Governor's Emergency Education Relief Fund (GEER I and GEER II) Recipient Data Collection Form.

OMB Control Number: 1810–0748.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 3,326.

Total Estimated Number of Annual Burden Hours: 40,584.

Abstract: Under the current unprecedented national health emergency, the legislative and executive branches of government have come together to offer relief to those individuals and industries affected by the COVID–19 virus under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116–136) authorized on March 27, 2020 and expanded through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, and the American Rescue Plan.

The Department awards Governor's Emergency Education Relief (GEER) grants to Governors (States) and analogous grants to Outlying Areas for the purpose of providing local educational agencies (LEAs), institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of the coronavirus pandemic. The Department has awarded these grants to States (Governor's offices) based on a formula stipulated in the legislation. The grants are also awarded to Outlying Areas based on the same formula: (1) 60% on the basis of the State's or Outlying Area's relative population of individuals aged 5 through 24. (2) 40% on the basis of the State's relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (ESEA). The grants are awarded to Outlying Areas based on the same formula. Data collected through this information collection will inform Department monitoring and oversight, and public reporting.

This information collection requests approval for a revision to a previously approved collection that includes annual reporting requirements to comply with the requirements of the GEER program and obtain information on how the funds were used. The revisions reflect a streamlining of the approved collection form requests for additional reporting under CRSSA. In accordance with the Recipient's Funding Certification and Agreements executed by GEER grantees, the Secretary may specify additional forms of reporting.

Dated: October 21, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–23320 Filed 10–25–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for reinstatement under the provisions of the Paperwork Reduction Act of 1995.

The information collection requests a three-year approval of its collection, titled United States Energy and Employment Report, OMB Control Number 1910–5179. The proposed collection will collect data from businesses in in-scope industries, quantifying and qualifying employment among energy activities, workforce demographics and the industry's perception on the difficulty of recruiting qualified workers. The data will be used to generate an annual US Energy and Employment Report.

DATES: Comments regarding this collection must be received on or before November 26, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–8585.

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: David Keyser at *David.Keyser@hq.doe.gov* or (240) 751–8483.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5179; (2) *Information Collection Request Title:* United States Energy and Employment Report; (3) *Type of Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; (4) *Purpose:* The rapidly changing nature of energy production, distribution, and consumption throughout the U.S. economy is having a dramatic impact on job creation and economic competitiveness, but is inadequately understood and, in some sectors, incompletely measured by traditional labor market sources. The US Energy and Employment Report Survey will collect data from businesses in in-scope industries, quantifying and qualifying employment among energy activities, workforce demographics and the industry's perception on the difficulty of recruiting qualified workers. The data will be used to generate an annual US Energy and Employment Report; (5) *Annual Estimated Number of Respondents:* 35,000; (6) *Annual Estimated Number of Total Responses:* 35,000; (7) *Annual Estimated Number of Burden Hours:* 7,958; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: Sec. 301 of the Department of Energy Organization Act (*42 U.S.C. 7151*); sec. 5 of the Federal Energy Administration Act of 1974 (*15 U.S.C. 764*); and sec. 103 of the Energy Reorganization Act of 1974 (*42 U.S.C. 5813*).

Signing Authority: This document of the Department of Energy was signed on October 20, 2021, by Carla Frisch, Principal Deputy Director, Office of Policy, 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 October 20, 2021.

Treena V. Garrett,

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

[FR Doc. 2021–23254 Filed 10–25–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP21–465–000; CP21–465–001]

Driftwood Pipeline LLC; Notice of Amendment to Application and Establishing Intervention Deadline

Take notice that on October 13, 2021, Driftwood Pipeline LLC (Driftwood), 1201 Louisiana Street, Suite 3100, Houston, TX 77002, filed supplemental information to its application proposing the Line 200 and Line 300 Project that was filed on June 17, 2021 in Docket No. CP21–465–000 and noticed in the **Federal Register** on July 7, 2021.[1] The modifications detailed in the supplemental information constitute an amendment of that application, pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations. The modifications detailed in the supplemental filing consist of the following general categories: (1) Alignment modifications, (2) workspace adjustments, and (3) new/removal of aboveground facilities. The modifications are largely the result of relocating the proposed Indian Bayou Compressor Station, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding Driftwood's application may be directed to Joey Mahmoud, Driftwood Pipeline LLC, 1201 Louisiana Street, Suite 3100, Houston, TX 77002, 832–962–4000, *joey.mahmoud@tellurianinc.com;* or Lisa M. Tonery, Partner, Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, NY 10019–6142, 212 506–3710, *ltonery@orrick.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of

[1] 86 FR 35776.

[2] 18 CFR (Code of Federal Regulations) 157.9.

the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on November 10, 2021. How to file comments and motions to intervene is explained below.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 10, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is November 10, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

How To File Comments and Interventions

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket number CP21–465–001 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing'' or ''Intervention''; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket number (CP21–465–001).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Motions to intervene must be served on the applicants either by mail or email (with a link to the document) at: Joey Mahmoud, Driftwood Pipeline LLC, 1201 Louisiana Street, Suite 3100, Houston, TX 77002, *joey.mahmoud@tellurianinc.com;* or Lisa M. Tonery, Partner, Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, NY 10019–6142, *ltonery@orrick.com.* Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [6] motions to intervene are automatically granted by operation of Rule 214(c)(1).[7] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[8] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on November 10, 2021.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[7] 18 CFR 385.214(c)(1).

[8] 18 CFR 385.214(b)(3) and (d).

Dated: October 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23298 Filed 10–25–21; 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: RP21–1057–001.

Applicants: Northern Border Pipeline Company.

Description: Northern Border Pipeline Company submits tariff filing per 154.203: NBPL—TC eConnects Implementation Compliance to be effective 10/1/2021.

Filed Date: 10/07/21.

Accession Number: 2021107–5096.

Comment Date: 5 p.m. ET 10/22/21.

Docket Numbers: RP21–1206–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Transmission, LLC submits tariff filing per 154.205(b): COR Non-Conforming Agreement Amendment to be effective 11/1/2021.

Filed Date: 10/01/21.

Accession Number: 20211001–5163.

Comment Date: 5 p.m. ET 10/22/21.

Docket Numbers: RP22–58–000.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: § 4(d) Rate Filing: GLGT Operator Change to be effective 11/19/2021.

Filed Date: 10/19/21.

Accession Number: 20211019–5083.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–59–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing: Fuel Tracker Filing 10/20/21 to be effective 12/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5010.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–60–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.20.21 Negotiated Rates—Macquarie Energy LLC R–4090–23 to be effective 11/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5028.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–61–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.20.21 Negotiated Rates—Mercuria Energy America, LLC R–7540–02 to be effective 11/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5029.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–62–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.20.21 Negotiated Rates—Mercuria Energy America, LLC H–7540–89 to be effective 11/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5031.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–63–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 10.20.21 Negotiated Rates—Sequent Energy Management, L.P. H–3075–89 to be effective 11/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5035.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–64–000.

Applicants: Alliance Pipeline L.P.

Description: Compliance filing: Alliance Order 587–Z (Docket RM96–1–042) Compliance Filing to be effective 6/1/2022.

Filed Date: 10/20/21.

Accession Number: 20211020–5054.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–65–000.

Applicants: Southern LNG Company, L.L.C.

Description: § 4(d) Rate Filing: SLNG Electric Power Cost Adjustment—2021 to be effective 12/1/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5061.

Comment Date: 5 p.m. ET 11/1/21.

Docket Numbers: RP22–66–000.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 2021020 NAESB Filing to be effective 6/1/2022.

Filed Date: 10/20/21.

Accession Number: 20211020–5064.

Comment Date: 5 p.m. ET 11/1/21.

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.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

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: October 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23296 Filed 10–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–149–000]

Sagebrush Line, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sagebrush Line, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 9, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: October 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23297 Filed 10–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–7–000.

Applicants: ACR II Granite Shore Power Holdings LLC, GSP Lost Nation LLC, GSP Merrimack LLC, GSP Newington LLC, GSP Schiller LLC, GSP White Lake LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of ACR II Granite Shore Power Holdings LLC, et al.

Filed Date: 10/20/21.

Accession Number: 20211020–5117.

Comment Date: 5 p.m. ET 11/10/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–11–000.

Applicants: Ellis Solar, LLC.

Description: Self-Certification of EG or FC of Ellis Solar, LLC.

Filed Date: 10/20/21.

Accession Number: 20211020–5124.

Comment Date: 5 p.m. ET 11/10/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–2564–002.

Applicants: Hickory Run Energy, LLC.

Description: Compliance filing: Revised Market Based Rate Tariff to be effective12/20/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5052.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–276–001.

Applicants: Georgia Power Company.

Description: Compliance filing: FP&L and JEA Scherer Unit 4 TSAs Order No. 864 Deficiency Response Filing to be effective N/A.

Filed Date: 10/20/21.

Accession Number: 20211020–5120.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–378–001.

Applicants: Mississippi Power Company.

Description: Compliance filing: Gulf States TFA Order No. 864 Deficiency Response Filing to be effective N/A.

Filed Date: 10/20/21.

Accession Number: 20211020–5041.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2515–001.

Applicants: Dominion Energy South Carolina, Inc.

Description: Compliance filing: Order 676–I Amended Compliance Filing to beeffective 12/31/9998.

Filed Date: 10/20/21.

Accession Number: 20211020–5055.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2889–001.

Applicants: PSEG Keys Energy Center LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Tariff to be effective 9/16/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5094.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2890–001.

Applicants: PSEG Fossil Sewaren Urban Renewal LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Tariff to be effective 9/16/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5093.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2909–001.

Applicants: PacifiCorp.

Description: Tariff Amendment: UAMPS Agmt Re SS of Ancillary Serv Sched 5 and/or 6 Amended Filing to be effective 9/17/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5119.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2934–000.

Applicants: East Texas Electric Cooperative, Inc.

Description: Supplement to September 24, 2021 Notice of Cancellation of Revenue Requirements for Reactive Service of East Texas Electric Cooperative, Inc.

Filed Date: 10/19/21.

Accession Number: 20211019–5149.

Comment Date: 5 p.m. ET 11/9/21.

Docket Numbers: ER21–2943–001.

Applicants: Florida Power & Light Company.

Description: Tariff Amendment: FPL Clarification Regarding Requested Effective Date for eTariff Records-317 to be effective 9/28/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5123.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER21–2945–001.

Applicants: Florida Power & Light Company.

Description: Tariff Amendment: FPL Clarification Regarding Requested Effective Date for eTariff Records-322 to be effective 9/28/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5127.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–150–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Pseudo Tie Agreement with Red Cloud Wind, Rate Schedule No. 176 to be effective 11/1/2021.

Filed Date: 10/19/21.

Accession Number: 20211019–5140.

Comment Date: 5 p.m. ET 11/9/21.

Docket Numbers: ER22–151–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) Rate Filing: Filing of a Joint Use Pole Agreement to be effective 12/20/2021.

Filed Date: 10/19/21.

Accession Number: 20211019–5144.

Comment Date: 5 p.m. ET 11/9/21.

Docket Numbers: ER22–152–000.

Applicants: Midcontinent Independent System Operator, Inc., Otter Tail Power Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2021–10–20_SA 3720 OTP–MPC FCA (Bartlett) to be effective 10/7/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5063.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–153–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 4644;

Queue No. AB1–163 (consent) to be effective 2/8/2017.

Filed Date: 10/20/21.

Accession Number: 20211020–5069.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–154–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Amendment to Interim Black Start Agreement (RS 234) 2021 to be effective 12/19/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5073.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–155–000.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits One ECSA, SA Nos. 6050 to be effective 12/20/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5110.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–156–000.

Applicants: Avista Corporation.

Description: Tariff Amendment: Avista Corp Cancellation of RS T1168 BPA Walla Walla Wanapum Const Agmt to be effective 10/21/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5112.

Comment Date: 5 p.m. ET 11/10/21.

Docket Numbers: ER22–157–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii): MAIT submits Three ECSAs, SA Nos. 6051–6053 to be effective 12/20/2021.

Filed Date: 10/20/21.

Accession Number: 20211020–5114.

Comment Date: 5 p.m. ET 11/10/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM22–3–000.

Applicants: Lincoln Electric System.

Description: Application of Lincoln Electric System to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 10/7/21.

Accession Number: 20211007–5060.

Comment Date: 5 p.m. ET 11/4/21.

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: October 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–23299 Filed 10–25–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0196; FRL–9136–01–OCSPP]

Pesticide Program Dialogue Committee; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of charter renewal.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2, the Pesticide Program Dialogue Committee (PPDC) is in the public interest and is necessary in connection with the performance of EPA's duties. Accordingly, PPDC will be renewed for an additional two-year period. The purpose of PPDC is to provide advice and recommendations to the EPA Administrator on issues associated with regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticide.

FOR FURTHER INFORMATION CONTACT: Shannon Jewell, Designated Federal Officer, PPDC, U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460, Telephone: (571) 289–9911, Email: *jewell.shannon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you work in agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*); the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act (PRIA) (which amends FIFRA section 33); and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). Potentially affected entities may include but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, farmworker and environmental justice organizations; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0196, is available online at *http://www.regulations.gov.*

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

Once the EPA/DC is reopened to the public, the docket will also be available in-person at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the 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.

Authority: 5 U.S.C. appendix 2*et seq.*

Dated: October 21, 2021.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2021–23328 Filed 10–25–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Federal Maritime Commission.

ACTION: Notice of a modified system of records.

SUMMARY: Non-attorneys that wish to be admitted to practice and conduct business before the FMC on behalf of a regulated industry client, must complete and submit a Form FMC–12 package. The *FMC–2 Non-Attorney Practitioner Files-FMC* system of records contains information collected by the form FMC–12 application process, relevant to a non-attorney's qualifications to practice before the Commission.

DATES: Written comments must be received no later than November 26, 2021. The revisions will become effective as proposed on November 26, 2021 unless the Commission receives comments that would result in a contrary determination.

ADDRESSES: Submit written comments to Rachel E. Dickon, Secretary, Federal Maritime Commission, 800 N Capitol Street NW, Washington, DC 20573–0001; or email comments to: *Secretary@fmc.gov* (email comments as an attachment in MS Word or PDF). Include in the Subject Line: Comments on Systems of Records Notice FMC–2.

FOR FURTHER INFORMATION CONTACT: Rachel E. Dickon, Office of the Secretary, 800 N Capitol Street NW, Suite 1046, Washington, DC 20573–0001. (202) 523–5725. *Secretary@fmc.gov.*

SUPPLEMENTARY INFORMATION: This system is being updated to:

- Change the name from, FMC–2 Non-Attorney Practitioner File-FMC to FMC–2 Non-Attorney Practitioner Files;
- Conform with the publication format required by Office of Management and Budget (OMB) Circular A–108;
- Incorporate two additional routine uses as directed pursuant to OMB Memorandum M–17–12; and
- Update the ''Categories of Records in the System'' section to delete the collection of Social Security/Taxpayer Identification Numbers and provide more specific information regarding collection.

SYSTEM NAME AND NUMBER:

FMC–2 Non-Attorney Practitioner Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Secretary, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573–0001.

SYSTEM MANAGER(S):

Secretary, Federal Maritime Commission, 800 N Capitol Street NW, Washington, DC 20573–0001, *Secretary@fmc.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 CFR 502.27.

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to maintain a relevant verification source of information on non-attorney practitioners who are registered to practice before the Commission. The Federal Maritime Commission administers the Non-Attorneys Practicing Before the Commission program, as authorized under 46 CFR 502.27, which allows any U.S. citizen who is not an attorney at law to conduct business with the FMC on behalf of a regulated industry client. Only non-attorneys must submit a completed form FMC–12 package to be considered for and granted admission to practice before the Commission.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, who are not attorneys, who apply for and are granted permission to practice before the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms containing descriptions of educational and professional experience and qualifications, and letters of reference related to non-attorney practitioners which may include the following:

- Residence address
- Citizenship status
- Date/place of birth
- Education
- Criminal Prosecutions

RECORD SOURCE CATEGORIES:

Applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, the records in this system of records are used or may be used:

1. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

4. To disclose information to the public when disclosures are made on the record in a judicial or administrative proceeding. To disclose relevant and necessary information to any component of the Department of Justice for the purpose of representing the FMC, its officers, employees, or members in pending or potential litigation to which the record is pertinent.

5. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the FMC or other Agency representing the FMC determines the records are relevant and necessary to the proceeding to which the government is a party; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

6. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this System of Records.

7. To appropriate agencies, entities, and persons when (1) the FMC suspects or has confirmed that there has been a breach of the system of records; (2) the FMC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the FMC (including its information systems, programs, and operations), the Federal

Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FMC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. To another Federal agency or Federal entity, when the FMC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

- Physical records are maintained in file folders in a limited access location.
- Electronic records are maintained within the confines of the FMC General Support System (FMC GSS).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

- Physical records are indexed alphabetically by name.
- Electronic records are retrievable by name, address, company, application date, admission date, or card number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These files will be destroyed 30 years after the applicant no longer practices before the Federal Maritime Commission. *https://www.archives.gov/files/records-mgmt/rcs/schedules/independent-agencies/rg-0358/daa-0358-2017-0007_sf115.pdf.*

See Sequence 3, Non-Attorney Practitioner files, N1–358–09–7/2 Cut off at end of calendar year in which it is established that applicant no longer practices before the Commission. Destroy 15 years after cut-off.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

- Access to physical records in this system are limited to those individuals who have a need to know the information for performance of their official duties and who have appropriate clearances or permission.
- Electronic files are safeguarded to meet multiple National Institute of Standards and Technology (NIST) Security Standards with password and identification protections. File access is limited to individuals who have a need to know the information for performance of their official duties and who have appropriate clearances or permission.

RECORD ACCESS PROCEDURES:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in 46 CFR 503.65.

CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore and shall meet the requirements set out in of 46 CFR 503.66.

NOTIFICATION PROCEDURES:

Any individual shall be informed whether or not any Commission system of records contains a record pertaining to him or her when requested in accordance with the requirements of 46 CFR 503.63(a).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

78 FR 55703—*https://www.federalregister.gov/documents/2013/09/11/2013-22072/privacy-act-of-1974-systems-of-records.*

Rachel E. Dickon,

Secretary.

[FR Doc. 2021–23000 Filed 10–25–21; 8:45 am]

BILLING CODE 6730–02–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 November 26, 2021.

A. Federal Reserve Bank of Dallas (Karen Smith, Director, Applications) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Texas Banc Financial Corporation, Fort Worth, Texas*; to acquire Texas Bank, Brownwood, Texas.

B. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org*:

1. *Independent Bancshares, Inc., Excelsior, Minnesota*; to acquire State Bank of Wheaton, Wheaton, Minnesota.

Board of Governors of the Federal Reserve System, October 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–23304 Filed 10–25–21; 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 November 10, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org.*

1. *Robert Raymond Sharkey, Westhope, North Dakota; and Laura Sharkey Rowell, Windermere, Florida;* both individually and, as a group acting in concert, to acquire voting shares of Peoples State Holding Company, and thereby indirectly acquire voting shares of Peoples State Bank, both of Westhope, North Dakota.

Board of Governors of the Federal Reserve System, October 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–23303 Filed 10–25–21; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Privacy Act of 1974; System of Records

AGENCY: Federal Retirement Thrift Investment Board (FRTIB).

ACTION: Notice of a new system of records; correction.

SUMMARY: The Federal Retirement Thrift Investment Board published a document in the **Federal Register** on July 28, 2021, concerning a new system of records. The document contained an incorrect reference to the agency's Privacy Act regulations.

FOR FURTHER INFORMATION CONTACT: Sarah Smith, Chief Privacy Officer, Federal Retirement Thrift Investment Board, Office of General Counsel, 77 K Street NE, Suite 1000, Washington, DC 20002, (202) 942–1600.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 28, 2021, in FR Doc. 2021–16016, on page 40566, in the fourth line of the third column, in the ''Exemptions Promulgated for the System'' section, please correct the following:

Remove ''5 CFR 1632.15'' and insert ''5 CFR 1630.15''.

Dated: October 21, 2021.

Dharmesh Vashee,

General Counsel and Senior Agency Official for Privacy.

[FR Doc. 2021–23291 Filed 10–25–21; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10137, CMS–10141, 10773 and 10494]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *November 26, 2021.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Solicitation for Applications for Medicare Prescription Drug Plan 2023 Contracts; *Use:* Coverage for the prescription drug benefit is provided through contracted prescription drug plans (PDPs) or through Medicare Advantage (MA) plans that offer integrated prescription drug and health care coverage (MA–PD plans). Cost Plans that are regulated under Section 1876 of the Social Security Act, and Employer Group Waiver Plans (EGWP) may also provide a Part D benefit. Organizations wishing to provide services under the Prescription Drug Benefit Program must complete an application, negotiate rates, and receive final approval from CMS. Existing Part D Sponsors may also expand their contracted service area by completing the Service Area Expansion (SAE) application.

Collection of this information is mandated in Part D of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) in Subpart 3. The application requirements

are codified in Subpart K of 42 CFR 423 entitled ''*Application Procedures and Contracts with PDP Sponsors.*''

The information will be collected under the solicitation of proposals from PDP, MA–PD, Cost Plan, Program of All Inclusive Care for the Elderly (PACE), and EGWP applicants. The collected information will be used by CMS to: (1) Ensure that applicants meet CMS requirements for offering Part D plans (including network adequacy, contracting requirements, and compliance program requirements, as described in the application), (2) support the determination of contract awards. *Form Number:* CMS–10137 (OMB control number: 0938–0936); *Frequency:* Yearly; *Affected Public:* Businesses or other for-profits, Not-for-profit institutions; *Number of Respondents:* 716; *Total Annual Responses:* 382; *Total Annual Hours:* 1,716. (For policy questions regarding this collection contact Arianne Spaccarelli at 410–786–5715.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Benefit Program; *Use:* Plan sponsor and State information is used by CMS to approve contract applications, monitor compliance with contract requirements, make proper payment to plans, and ensure that correct information is disclosed to potential and current enrollees. *Form Number:* CMS–10141 (OMB control number: 0938–0964); *Frequency:* Once; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 11,771,497; *Total Annual Responses:* 675,231,213; *Total Annual Hours:* 9,312,314. (For policy questions regarding this collection contact Maureen Connors at 410–786–4132.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Non-Quantitative Treatment Limitation Analyses and Compliance Under MHPAEA; *Use:* The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110–343) generally requires that group health plans and group health insurance issuers offering mental health or substance use disorder (MH/SUD) benefits in addition to medical and surgical (med/surg) benefits do not apply any more restrictive financial requirements (*e.g.,* co-pays, deductibles) and/or treatment limitations (*e.g.,* visit limits, prior authorizations) to MH/SUD benefits than those requirements and/or limitations applied to substantially all med/surg benefits. The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, was enacted on March 30, 2010. These statutes are collectively known as the ''Affordable Care Act.'' The Affordable Care Act extended MHPAEA to apply to the individual health insurance market. MHPAEA does not apply directly to small group health plans, although its requirements are applied indirectly in connection with the Affordable Care Act's essential health benefit requirements. The Consolidated Appropriations Act, 2021 (the Appropriations Act) was enacted on December 27, 2020. The Appropriations Act amended MHPAEA, in part, by expressly requiring group health plans and health insurance issuers offering group or individual health insurance coverage that offer both med/surg benefits and MH/SUD benefits and that impose non-quantitative treatment limitations (NQTLs) on MH/SUD benefits to perform and document their comparative analyses of the design and application of NQTLs. Further, beginning 45 days after the date of enactment of the Appropriations Act, group health plans and health insurance issuers offering group or individual health insurance coverage must make their comparative analyses available to the Departments of Labor, Health and Human Services (HHS), and the Treasury or applicable state authorities, upon request. The Secretary of HHS is required to request the comparative analyses for plans that involve potential violations of MHPAEA or complaints regarding noncompliance with MHPAEA that concern NQTLs and any other instances in which the Secretary determines appropriate. The Appropriations Act also requires the Secretary of HHS to submit to Congress, and make publicly available, an annual report on the conclusions of the reviews. *Form Number:* CMS–10773 (OMB control number: 0938–1393); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector; *Number of Respondents:* 250,137; *Total Annual Responses:* 36,461; *Total Annual Hours:* 1,013,184. (For policy questions regarding this collection, contact Usree Bandyopadhyay at 410–786–6650.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel–CAC; *Use:* Section 1321(a)(1) of the Affordable Care Act directs and authorizes the Secretary to issue regulations setting standards for meeting the requirements under title I of the Affordable Care Act, with respect to, among other things, the establishment and operation of Exchanges. Pursuant to this authority, regulations establishing the certified application counselor program have been finalized at 45 CFR 155.225. In accordance with 155.225(d)(1) and (7), certified application counselors in all Exchanges are required to be initially certified and recertified on at least an annual basis and successfully complete Exchange required training. *Form Number:* CMS–10494 (OMB control number: 0938–1205); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); individuals or households; *Number of Respondents:* 278,072; *Total Annual Responses:* 278,072; *Total Annual Hours:* 918,024. (For policy questions regarding this collection contact Evonne Muoneke at 301–492–4402.)

Dated: October 21, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–23284 Filed 10–25–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Expedited OMB Review and Public Comment: Office of Community Services Data Collection for the Low Income Household Water Assistance Program Reports (New Collection)

AGENCY: Office of Community Services, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Community Services, Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting expedited review of an information collection request from the Office of Management and Budget (OMB) and inviting public comment on the proposed collection. The proposed forms are necessary to provide data to the Administration and Congress in its oversight of recipients' performance in administering the Low Income

Household Water Assistance Program (LIHWAP) program. The information collection is essential to the mission of the agency for this emergency assistance effort and the use of normal clearance procedures is reasonably likely to disrupt and prevent the collection of information.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described in this notice.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be submitted by emailing *infocollection@acf.hhs.gov.* All requests should identify the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is requesting that OMB grant a 180-day approval for this request under procedures for expedited processing. A request for review under normal procedures will be submitted within 180 days of the approval for this request. The LIHWAP effort was authorized under two separate appropriations as part of an emergency effort to prevent and respond to COVID–19: The Consolidated Appropriations Act, 2021 (Pub. L. 116–260) and the American Rescue Plan Act of 2021 (Pub. L. 117–2). As a result of the emergency nature, the timeline to implement the program was very short and the time to develop and submit related performance measures is similarly short. The proposed LIHWAP Quarterly Performance and Management Report and the LIHWAP Annual Report are conducted in accordance with the LIHWAP statute (Pub. L. 116–260) and will provide ACF and Congress information necessary for oversight of recipients' performance in administering the LIHWAP program. The completeness, accuracy, consistency, and timeliness of responses to data collections are needed for the agency to do the following:

- Ensure that LIHWAP, an emergency and temporary program, is implemented effectively and efficiently;
- Provide reliable and complete fiscal and household data for OCS analysis and reporting to Congress and the public; and
- Respond to questions from the Congress, Department, OMB, White House, and other interested parties in a timely and accurate manner.

This information collection package also includes a burden estimate related to the information collected from households. While grant recipients will collect necessary information from households using a variety of intake systems and local forms, OCS is providing technical assistance in this area and has included a sample application template in supplementary materials. This is a sample template; there will be no mandated household application format and OCS will not receive or analyze copies of individual household application materials.

Respondents: LIHWAP grant recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Quarterly Report	157	4	13	8,164	8,164
Annual Report	157	2	211	66,254	33,127
Household Application	1,200,000	1	.5	600,000	200,000

Estimated Total Annual Burden Hours: 241,291 (for first year with Quarterly reports), 233,127 (for subsequent years without Quarterly reports).

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication. Comments will be considered and any necessary updates to materials made prior to, and responses provided in, the submission to OMB that will follow this public comment period.

Authority: Public Law 116–260 and LIHWAP Terms and Conditions Section 10 (*https://www.acf.hhs.gov/sites/default/files/documents/LIHWAP%20Terms%20and%20Conditions%20for%20States.pdf*).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–23271 Filed 10–25–21; 8:45 am]

BILLING CODE 4184–86–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0008]

Neurological Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Neurological Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will take place virtually on December 10, 2021, from 9 a.m. to 6 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions including information regarding special accommodations due to a disability may be accessed at: *https://www.fda.gov/advisory-committees/about-advisory-committees/common-questions-and-answers-about-fda-advisory-committee-meetings.*

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring,

MD 20993–0002, *James.Swink@fda.hhs.gov,* 301–796–6313, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On December 10, 2021, the committee will discuss, make recommendations, and vote on information regarding the premarket approval application (PMA) for the BrainsGate Ischemic Stroke System (ISS500) by BrainsGate Ltd. The proposed indications for use, submitted by the sponsor, as stated in the PMA, are as follows: The ISS500 is indicated to increase cerebral blood flow and reduce disability in adult patients with acute ischemic stroke with confirmed cortical involvement in the anterior circulation who are ineligible or have no access to IV-tPA and endovascular thrombectomy. Treatment is to be initiated between 8 and 24 hours from stroke onset (last known well).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/advisory-committees/medical-devices-advisory-committee/neurological-devices-panel.* Select the link for the 2021 Meeting Materials. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 29, 2021. Oral presentations from the public will be scheduled on December 10, 2021, between approximately 1 p.m. and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person (see **FOR FURTHER INFORMATION CONTACT**). The notification should include a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 18, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 19, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Artair Mallett at *Artair.Mallett@fda.hhs.gov* or 301–796–9638 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 19, 2021.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2021–23334 Filed 10–25–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Information and Notice of Listening Session on Efforts To Advance Health Equity Among Native Hawaiian and Pacific Islander Populations

AGENCY: Office of Minority Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Request for information (RFI) and notice of a listening session on efforts to advance health equity among Native Hawaiian and Pacific Islander populations.

SUMMARY: The U.S. Department of Health and Human Services (HHS) Office of Minority Health (OMH) seeks input from Native Hawaiian and Pacific Islander (NHPI) communities, NHPI-serving organizations, and other interested parties regarding efforts of the new Center for Indigenous Innovation and Health Equity (Center). The Center is tasked with supporting education, service and policy development, and research related to advancing sustainable solutions, to address health disparities and advance health equity among NHPI and American Indian/Alaska Native (AI/AN) populations. This is NOT a solicitation for proposals or proposal abstracts.

Please Note: This RFI and notice of a listening session is for planning purposes only. It is not a notice for a proposal and does not commit the federal government to issue a solicitation, make an award, or pay any costs associated with responding to this announcement. All submitted information shall remain with the federal government and will not be returned. All responses will become part of the public record and will not be held confidential. The federal government reserves the right to use the information provided by respondents for purposes deemed necessary and legally appropriate. Respondents are advised that the federal government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents concerning any information submitted. Responses will not be accepted after the due date.

DATES: The virtual listening session will be held on Tuesday, November 2, 2021, from 3:30 p.m.–4:30 p.m. EDT. To register for the listening session, visit*https://www.zoomgov.com/meeting/register/vJIsc-6qpj4tGrQwQx2vdmoUfMZmRWXZNDs.* Written comments also may be submitted and must be received at the address provided below,

no later than 11:59 p.m. EDT on November 19, 2021.

ADDRESSES: All comments should be emailed to CAPT Samuel Wu at *Samuel.Wu@hhs.gov.* Please use the subject line ''OMH RFI: CIIHE NHPI''.

Submitted comments received after the deadline will not be reviewed. Please respond concisely and in plain language. You may use any structure or layout that presents your information well. You may respond to some or all of our four questions below, and you can suggest other factors or relevant questions. You may also include links to online materials or interactive presentations. Proprietary information should be marked clearly and placed it in a separate section or file. Your response will become government property, and we may publish some of its non-proprietary content.

FOR FURTHER INFORMATION CONTACT: CAPT Samuel Wu *atSamuel.Wu@hhs.gov*.

SUPPLEMENTARY INFORMATION: Authorized under Section 1707 of the Public Health Service Act, 42 U.S.C. 300u–6, as amended, the mission of OMH is to improve the health of racial and ethnic minority populations through the development of health policies and programs that help eliminate health disparities. OMH awards and other activities are intended to support the identification of effective policies, programs, and practices for improving health outcomes and to promote the sustainability and dissemination of these approaches.

Under the authority of Public Law 116–260 (2021 Consolidated Appropriations Act), Congress directed OMH to create a Center to support education, service and policy development, and research advancing indigenous solutions that ultimately address health disparities among NHPI and AI/AN populations.

I. Background Information

NHPI communities experience persistent health disparities, including higher rates of diabetes, high blood pressure, and obesity, compared to non-Hispanic white populations. Identification and awareness of health outcomes and health determinants are essential steps toward reducing health disparities in minority communities at greatest risk. Research has shown that culturally adapted and culturally grounded health and public health approaches and interventions that are aligned with indigenous communities' cultural values and perspectives are effective in improving clinical outcomes within NHPI and AI/AN communities.

Program Information

In September 2021, OMH announced awards to establish a Center for Indigenous Innovation and Health Equity, for which OMH will provide the organizational structure and operational framework. The Center will support efforts including education, service and policy development, and research related to advancing sustainable solutions to address health disparities and advance health equity in the AI/AN and NHPI populations. Two award recipients will function as a single initiative, coordinated by OMH. Each award recipient will focus on one of the two focus populations: AI/AN or NHPI populations. OMH expects the award recipients to implement the Center by:

(1) Managing the Center advisory board;

(2) partnering with academic institutions, indigenous leaders, and NHPI and AI/AN communities on Center activities;

(3) identifying and disseminating culturally appropriate evidence-based and/or evidence-informed interventions, and lessons learned; and

(4) designing and providing education and training to support community capacity-building.

The Center's activities are expected to result in:

(1) Increased community capacity and knowledge of culturally appropriate, evidence-based and/or evidence-informed interventions, and policies that address health disparities among NHPI and AI/AN populations;

(2) increased utilization of effective strategies to reduce NHPI and AI/AN health disparities; and

(3) improved NHPI and AI/AN health and reduction of health disparities.

II. Request for Information

Through this RFI and notice of a listening session, OMH is seeking information from NHPI communities, NHPI-serving organizations, and interested parties on the questions below.

III. Questions

- Are there priority health disparity issue(s) affecting NHPI communities that the Center should address?
- How can the Center engage community partners to increase knowledge and adoption of culturally appropriate, evidence-based, and/or evidence-informed interventions, and policies that reduce health disparities among NHPI populations?
- What should the Center consider when disseminating public health messages or promising practices designed to reduce health disparities to diverse NHPI communities?
- What should the Center consider when addressing barriers to implementing culturally appropriate interventions and policies to advance indigenous health innovation and health equity?

Dated: October 18, 2021.

Samuel Wu, CAPT,

Public Health Advisor.

[FR Doc. 2021–23200 Filed 10–25–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, November 1, 2021, 09:00 a.m. to November 2, 2021, 06:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on October 13, 2021, FR Doc 2021–22196, 86 FR 56965.

This notice is being amended to change the dates of this meeting from November 1–2, 2021 to November 15–16, 2021. The meeting time remains the same. The meeting is closed to the public.

Dated: October 21, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–23318 Filed 10–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Development and Commercialization of CRISPR-Engineered T Cell Therapies for the Treatment of Cancer

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to

practice the inventions embodied in the Patents and Patent Applications listed in the **SUPPLEMENTARY INFORMATION** section of this Notice to Neogene Therapeutics, Inc. (''Neogene''), headquartered in Santa Monica, CA.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before November 10, 2021 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240)–276–5484; Email: *andy.burke@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

Group A

1. United States Provisional Patent Application No. 62/084,654, filed November 26, 2014 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–0–US–01];

2. PCT Application No. PCT/US2015/062269, filed November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–PCT–01];

3. Australian Patent No. 2015353720, issued June 11, 2020 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–AU–02];

4. Canadian Patent Application No. 2,968,399, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–CA–03];

5. Chinese Patent Application No. 201580070673.7, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–CN–04];

6. European Patent No. 3223850, issued January 8, 2020, entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–EP–05];

a. Validated in the following jurisdictions: AT, BE, CH, CZ, DE, ES, FR, GB, GR, IE, IT, NL, NO, PL, PT, SE, SI, SK, TR.

7. Israeli Patent Application No. 252258, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–IL–06];

8. Japanese Patent No. 6863893, issued April 5, 2021 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–JP–07];

9. Korean Patent Application No. 2017–7017289, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–KR–08];

10. Mexican Patent No. 384919, issued July 29, 2021 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–MX–09];

11. New Zealand Patent Application No. 732045, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–NZ–10];

12. Saudi Arabian Patent No. 7697, issued March 11, 2021 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–SA–11];

13. Singapore Patent Application No. 11201704155U, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–SG–12];

14. United States Patent Application No. 15/528,813, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–US–13];

15. Hong Kong Patent No. 1243642, issued January 22, 2021 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–HK–14];

16. European Patent Application No. 20150279.6, filed January 3, 2020 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–EP–15];

17. Singapore Patent Application No. 10201913978R filed December 31, 2019 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–SG–16];

18. Australian Patent Application No. 2020203465, filed May 26, 2020 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–AU–36];

19. Saudi Arabian Patent Application No. 520420365, filed October 15, 2020 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–SA–37];

20. Hong Kong Patent Application No. 42020021375.9, effective filing date of November 24, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–HK–38];

21. Japanese Patent Application No. 2021–063092, filed April 1, 2021 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–028–2015–1–JP–40];

22. United States Provisional Patent Application No. 62/171,321, filed June 5, 2015 entitled ''Anti-Mutated KRAS T Cell Receptors'' [HHS Reference No. E–180–2015–0–US–01];

23. United States Provisional Patent Application No. 62/218,688, filed September 15, 2015 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–US–01];

24. PCT Application No. PCT/US2016/050875, filed September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–PCT–02];

25. Australian Patent No. 2016323017, issued February 25, 2021 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–AU–03];

26. Canadian Patent Application No. 2,998,869, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–CA–04];

27. Chinese Patent Application No. 201680058891.3, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–CN–05];

28. European Patent No. 3350213, issued March 31, 2021 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–EP–06];

a. Validated in the following jurisdictions: BE, CH, DE, DK, ES, FR, GB, IE, IT, NL, NO and SE.

29. Israeli Patent Application No. 257840, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–IL–07];

30. Japanese Patent Application No. 2018–513423, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–JP–08];

31. Korean Patent Application No. 2018–7010326, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–KR–09];

32. Mexican Patent Application No. MX/a/2018/003062, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–MX–10];

33. New Zealand Patent Application No. 740714, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–NZ–11];

34. Saudi Arabian Patent Application No. 518391109, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–SA–12];

35. Singapore Patent Application No. 11201802069U, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–SG–13];

36. United States Patent No. 10,556,940, issued February 11, 2020 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–US–14];

37. Hong Kong Patent Application No. 19100263.9, effective filing date of September 9, 2016 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–HK–15];

38. United States Patent Application No. 16/739,310, filed January 10, 2020 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–US–16];

39. Singapore Patent Application No. 10201913868X, filed December 30, 2019 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–SG–17];

40. Australian Patent Application No. 2021200833, filed February 10, 2021 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–AU–18];

41. European Patent Application No. 21162567.8 filed March 15, 2021 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–EP–19];

42. Saudi Arabian Patent Application No. 521421309, filed February 23, 2021 entitled ''T Cell Receptors Recognizing HLA–CW8 Restricted Mutated KRAS'' [HHS Reference No. E–265–2015–0–SA–20];

43. United States Provisional Patent Application No. 62/369,883, filed August 2, 2016 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–US–01];

44. PCT Application No. PCT/US2017/044615, filed July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–PCT–02];

45. Australian Patent Application No. 2017306038, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–AU–03];

46. Canadian Patent Application No. 3,032,870, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–CA–04];

47. Chinese Patent Application No. 201780059356.4, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–CN–05];

48. European Patent Application No. 17749580.1, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–EP–06];

49. Japanese Patent Application No. 2019–505220, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–JP–07];

50. United States Patent No. 10,611,816, issued April 7, 2020 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–US–08];

51. Israeli Patent Application No. 264425, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–IL–09];

52. Korean Patent Application No. 2019–7005837, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–KR–10];

53. Singapore Patent Application No. 11201900654Q, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–SG–11];

54. Hong Kong Patent Application No. 19133082.8, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–HK–12];

55. Hong Kong Patent Application No. 19132196.7, effective filing date of July 31, 2017 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–HK–13];

56. Singapore Patent Application No. 10201913959W, filed December 31, 2019 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–SG–14];

57. United States Patent Application No. 16/838,395, filed April 2, 2020 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–US–15];

58. United States Patent Application No. 17/345,390, filed June 11, 2021 entitled ''Anti-KRAS G12D T Cell Receptors'' [HHS Reference No. E–175–2016–0–US–16];

59. United States Provisional Patent Application No. 62/560,930, filed September 20, 2017 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–US–01];

60. PCT Application No. PCT/US2018/051641, filed September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–PCT–02];

61. Argentina Patent Application No. P180102695, effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–AR–03];

62. Taiwanese Patent Application No. 107133221, filed September 20, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–TW–05];

63. United States Patent Application No. 16/135,231, filed September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–US–06];

64. Australian Patent Application No. 2018335274 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–AU–07];

65. Brazilian Patent Application No. BR112020005469–0 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–BR–08];

66. Canadian Patent Application No. 3,076,339 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–CA–09];

67. Chinese Patent Application No. 201880060535.4 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–CN–10];

68. Costa Rica Patent Application No. 2020–0150 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–CR–11];

69. Eurasian Patent Application No. 202090652 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–EA–12];

70. European Patent Application No. 18792591.2 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–EP–13];

71. Israeli Patent Application No. 273254 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–IL–14];

72. Indian Patent Application No. 202047011647 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–IN–15];

73. Japanese Patent Application No. 2020–516422 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–JP–16];

74. Korean Patent Application No. 2020–7011112 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–KR–17];

75. Mexican Patent Application No. MX/a/2020/003117 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–MX–18];

76. New Zealand Patent Application No. 762831 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–NZ–19];

77. Singapore Patent Application No. 11202002425P effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–SG–20];

78. Hong Kong Patent Application No. 62020019700.7 effective filing date of September 19, 2018 entitled ''HLA Class II-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–181–2017–0–HK–21];

79. United States Provisional Patent Application No. 62/594,244, filed December 4, 2017 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–US–01];

80. PCT Application No. PCT/US2018/063581, filed December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–PCT–02];

81. Australian Patent Application No. 2018378200 effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–AU–03];

82. Brazilian Patent Application No. BR112020011111–2 effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–BR–04];

83. Canadian Application No. 3,084,246, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–CA–05];

84. Chinese Application No. 201880087270.7, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–CN–06];

85. Costa Rican Application No. 2020–0287, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–CR–07];

86. Eurasian Application No. 202091335, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–EA–08];

87. European Application No. 18830062.8, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–EP–09];

88. Israeli Application No. 275031, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–IL–10];

89. Indian Application No. 202047026991, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–IN–11];

90. Japanese Application No. 2020–530325, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–JP–12];

91. Korean Application No. 2020–7019185, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–KR–13];

92. Mexican Application No. MX/a/2020/005765, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–MX–14];

93. New Zealand Application No. 765440, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–NZ–15];

94. Singapore Application No. 11202005236Q, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–SG–16];

95. United States Patent Application No. 16/769,144, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–US–17];

96. Hong Kong Patent Application No. 62021026617.2, effective filing date of December 3, 2018 entitled ''HLA Class I-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–239–2017–0–HK–18];

97. United States Provisional Patent Application No. 62/749,750, filed October 24, 2018 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–US–01];

98. PCT Application No. PCT/US2019/057833, filed October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–PCT–02];

99. Taiwanese Patent Application No. 108138456, filed October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–TW–03];

100. United States Patent Application No. 16/662,808, filed October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–US–04];

101. Australian Patent Application No. 2019364436, effective filing date of October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–AU–05];

102. Canadian Patent Application No. 3,116,749, effective filing date of October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–CA–06];

103. European Patent Application No. 19805442.1, effective filing date of October 24, 2019 entitled ''HLA–A3-Restricted T Cell Receptors Against Mutated RAS'' [HHS Reference No. E–166–2018–0–EP–07];

104. United States Provisional Patent Application No. 62/795,203, filed January 22, 2019 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–US–01];

105. Taiwanese Patent Application No. 109102511 filed January 22, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–TW–02];

106. PCT Application No. PCT/US2020/014382, filed January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–PCT–03];

107. Australian Patent Application No. 2020211922, effective filing date of

January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–AU–04];

108. Canadian Patent Application No. 3,127,096, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–CA–05];

109. Chinese Patent Application No. 202080010373.0, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–CN–06];

110. European Patent Application No. 20705599.7, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–EP–07];

111. Japanese Patent Application No. 2021–542206, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–JP–08];

112. Korean Patent Application No. 2021–7026169, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–KR–09];

113. United States Patent Application No. 17/424,591, effective filing date of January 21, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12R Mutation'' [HHS Reference No. E–029–2019–0–US–10];

114. United States Provisional Patent Application No. 62/975,544, filed February 12, 2020 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12D Mutation'' [HHS Ref. No. E–031–2020–0–US–01];

115. PCT Patent Application No. PCT/US2021/017794, filed February 12, 2021 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12D Mutation'' [HHS Ref. No. E–031–2020–0–PCT–02];

116. Taiwanese Patent Application No. 110105194, filed February 12, 2021 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12D Mutation'' [HHS Ref. No. E–031–2020–0–TW–03];

117. United States Provisional Patent Application No. 62/976,655, filed February 14, 2020 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–074–2020–0–US–01];

118. PCT Patent Application No. PCT/US2021/017852, filed February 12, 2021 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–074–2020–0–PCT–02];

119. Taiwanese Patent Application No. 110105193, filed February 12, 2021 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–074–2020–0–TW–03];

120. United States Provisional Patent Application No. 62/981,856, filed February 26, 2020 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–088–2020–0–US–01];

121. PCT Patent Application No. PCT/US2021/019775, filed February 26, 2021 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–088–2020–0–PCT–02];

122. Taiwanese Patent Application No. 110106886, filed February 26, 2021 entitled ''HLA Class II-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–088–2020–0–TW–03];

123. United States Provisional Patent Application No. 63/050,931, filed July 13, 2020 entitled ''HLA Class II-Restricted DRB T Cell Receptors Against RAS with G12D Mutation'' [HHS Ref. No. E–165–2020–0–US–01];

124. PCT Patent Application No. PCT/US2021/041375, filed July 13, 2021 entitled ''HLA Class II-Restricted DRB T Cell Receptors Against RAS with G12D Mutation'' [HHS Ref. No. E–165–2020–0–PCT–02];

125. United States Provisional Patent Application No. 63/052,502, filed July 16, 2020 entitled ''HLA Class II-Restricted DRB1*01:01 T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–172–2020–0–US–01];

126. PCT Patent Application No. PCT/US2021/041737, filed July 15, 2021 entitled ''HLA Class II-Restricted DRB1*01:01 T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–172–2020–0–PCT–02];

127. United States Provisional Patent Application No. 63/086,674, filed October 2, 2020 entitled ''HLA Class II-Restricted DQ T Cell Receptors Against RAS with G13D Mutation'' [HHS Ref. No. E–189–2020–0–US–01];

128. PCT Patent Application No. PCT/US2021/053060, filed October 1, 2021 entitled ''HLA Class II-Restricted DQ T Cell Receptors Against RAS with G13D Mutation'' [HHS Ref. No. E–189–2020–0–PCT–02];

129. Taiwanese Patent Application No. ''TBD'', filed October 1, 2021 entitled ''HLA Class II-Restricted DQ T Cell Receptors Against RAS with G13D Mutation'' [HHS Ref. No. E–189–2020–0–TW–03]; and

130. United States Provisional Patent Application No. 63/060,340, filed August 3, 2020 entitled ''HLA Class I-Restricted T Cell Receptors Against RAS with G12V Mutation'' [HHS Ref. No. E–190–2020–0–US–01].

Group B

1. United States Provisional Patent Application No. 62/565,383, filed September 29, 2017 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–0–US–01];

2. PCT Application No. PCT/US2018/051285, filed September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–PCT–01];

3. Australian Patent Application No. 2018342246 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–AU–02];

4. Brazilian Patent Application No. BR112020006012–7 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–BR–03];

5. Canadian Patent Application No. 3,077,024 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–CA–04];

6. Chinese Patent Application No. 201880074539.8 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–CN–05];

7. Costa Rican Application No. 2020–0170, effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–CR–06];

8. Eurasian Application No. 202090757, effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–EA–07];

9. European Patent Application No. 18780006.5 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–EP–08];

10. Israeli Patent Application No. 273515 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–IL–09];

11. Indian Patent Application No. 202047013911 effective filing date of September 17, 2018 entitled ''T Cell

Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–IN–10];

12. Japanese Patent Application No. 2020–517556 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–JP–11];

13. Korean Patent Application No. 2020–7012344 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–KR–12];

14. Mexican Application No. MX/a/2020/003504, effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–MX–13];

15. New Zealand Patent Application No. 763023 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–NZ–14];

16. Singapore Patent Application No. 11202002636P effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–SG–15];

17. United States Patent Application No. 16/651,242 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–US–16];

18. Hong Kong Patent Application No. 62020021272.3 effective filing date of September 17, 2018 entitled ''T Cell Receptors Recognizing Mutated P53'' [HHS Reference No. E–237–2017–2–HK–17];

19. United States Provisional Patent Application No. 62/867,619, filed June 27, 2019 entitled ''T Cell Receptors Recognizing R175H or Y220C Mutation in P53'' [HHS Reference No. E–135–2019–0–US–01];

20. PCT Application No. PCT/US2020/039785, filed June 26, 2020 entitled ''T Cell Receptors Recognizing R175H or Y220C Mutation in P53'' [HHS Reference No. E–135–2019–0–PCT–02];

21. Taiwanese Application No. 109121744, filed June 26, 2020 entitled ''T Cell Receptors Recognizing R175H or Y220C Mutation in P53'' [HHS Reference No. E–135–2019–0–TW–03];

22. United States Provisional Patent Application No. 63/074,747, filed September 4, 2020 entitled ''T Cell Receptors Recognizing R273C or Y220C Mutation in P53'' [HHS Reference No. E–173–2020–0–US–01];

23. PCT Patent Application No. PCT/US2021/048786, filed September 2, 2021 entitled ''T Cell Receptors Recognizing R273C or Y220C Mutation in P53'' [HHS Reference No. E–173–2020–0–PCT–02]; and

24. Taiwanese Patent Application No. ''TBD'', filed September 2, 2021 entitled ''T Cell Receptors Recognizing R273C or Y220C Mutation in P53'' [HHS Reference No. E–173–2020–0–TW–03].

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the fields of use may be limited to the following:

''Autologous T cell therapy products engineered by use of a CRISPR-nuclease to express a therapeutic T cell receptor claimed in the Licensed Patent Rights for the treatment or prevention of cancer in humans''

''Allogeneic T cell therapy products engineered by use of a CRISPR-nuclease to express a therapeutic T cell receptor claimed in the Licensed Patent Rights for the treatment or prevention of cancer in humans''

Specifically excluded from these fields of use are:

1. Autologous, peripheral blood T cell therapy products engineered by transposon-mediated gene transfer for the treatment of human cancers;

2. Autologous, peripheral blood T cell therapy products engineered via retrovirus and lentivirus-mediated gene transfer for the treatment of human cancer; and

3. Natural Killer T (NKT) cell therapy products engineered via viral and non-viral means for the treatment of human cancers. Wherein the NKT cell therapy product contains at least 50% NKT cells.

Intellectual Property Group A is primarily directed to isolated T cell receptors (TCRs) reactive to mutated Kirsten rat sarcoma viral oncogene homolog (KRAS), within the context of several human leukocyte antigens (HLAs). Mutated KRAS, which plays a well-defined driver role in oncogenesis, is expressed by a variety of human cancers, including pancreatic, lung, endometrial, ovarian and prostate. Due to its restricted expression in precancerous and cancerous cells, this antigen may be targeted on mutant KRAS-expressing tumors with minimal normal tissue toxicity.

Intellectual Property Group B is primarily directed to isolated TCRs reactive to mutated tumor protein 53 (TP53 or P53), within the context of several HLAs. *P53* is the archetypal tumor suppressor gene and the most frequently mutated gene in cancer. Contemporary estimates suggest that >50% of all tumors carry mutations in *P53.* Because of its prevalence in cancer and its restricted expression to precancerous and cancerous cells, this antigen may be targeted on mutant P53-expressing tumors with minimal normal tissue toxicity.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 21, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021–23289 Filed 10–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy; Meeting

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet virtually on Monday, December 6, 2021. The meeting will be open to the public.

DATES: The meeting will take place on Monday, December 6, 2021, 3:00 p.m. to 5:00 p.m. EST. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the virtual conference should contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business on November 22, 2021, to obtain the call-in number and access code for the December 6th virtual meeting. For more information on services for individuals with disabilities or to request special assistance, contact Deborah Gartrell-Kemp as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Participants seeking to have their comments considered during the meeting should submit them in advance or during the public comment segment. Comments submitted up to 30 days after the meeting will be included in the public record and may be considered at the next meeting. Comments submitted in advance must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Electronic Delivery:* Email Deborah Gartrell-Kemp at *Deborah.GartrellKemp@fema.dhs.gov* no later than December 1, 2021, for consideration at the December 6, 2021 meeting.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT:

Alternate Designated Federal Officer: Stephen Dean, telephone (301) 447–1271, email *Stephen.Dean@fema.dhs.gov.*

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230, email *Deborah.GartrellKemp@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board will meet virtually on Monday, December 6, 2021. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Monday, December 6, 2021, there will be five sessions, with deliberations and voting at the end of each session as necessary:

1. The Board will present their Annual BOV report.
2. The Board will discuss United States Fire Administration Data, Research, Prevention and Response.
3. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2022 Budget Request/Budget Planning.
4. The Board will deliberate and vote on recommendations on Academy program activities to include developments, deliveries, staffing, admissions and strategic plan.
5. There will also be an update on the Board of Visitors Subcommittee Groups for the Professional Development Initiative Update and the National Fire Incident Report System.

There will be a 10-minute comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted at *https://www.usfa.fema.gov/training/nfa/about/bov.html* by December 1, 2021.

Eriks J. Gabliks,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2021–23300 Filed 10–25–21; 8:45 am]

BILLING CODE 9111–74–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2175]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information

may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Lee	City of Opelika (21–04–1315P).	The Honorable Gary Fuller, Mayor, City of Opelika, P.O. Box 390, Opelika, AL 36803.	Department of Public Works, 700 Fox Trail, Opelika, AL 38301.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2021	010145
Mobile	City of Mobile (21–04–1400P).	The Honorable William Stimpson, Mayor, City of Mobile, P.O. Box 1827, Mobile, AL 36633.	City Clerk's Office, 205 Government Street, Mobile, AL 36602.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 30, 2021	015007
Morgan	Town of Priceville (20–04–3422P).	The Honorable Sam Heflin, Mayor, Town of Priceville, 242 Marco Drive, Priceville, AL 35603.	Morgan County Engineering Department, 580 Shull Road, Hartselle, AL 35640.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 30, 2021	010448
Morgan	Unincorporated Areas of Morgan County (20–04–3422P).	The Honorable Ray Long, Chairman, Morgan County Commission, 302 Lee Street Northeast, Decatur, AL 35601.	Morgan County Engineering Department, 580 Shull Road, Hartselle, AL 35640.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 30, 2021	010175
California:						
Santa Barbara	City of Goleta (21–09–0174P).	The Honorable Paula Perotte, Mayor, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117.	Public Works Department, 130 Cremona Drive, Suite B, Goleta, CA 93117.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 31, 2022	060771
Santa Barbara	Unincorporated areas of Santa Barbara County (21–09–0174P).	Ms. Mona Miyasato, Santa Barbara County Executive Officer, 105 East Anapamu Street, Suite 406, Santa Barbara, CA 93101.	Santa Barbara County Flood Control & Water Conservation District, 130 East Victoria Street, Suite 200, Santa Barbara, CA 93101.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 31, 2022	060331
Colorado:						
Boulder	Town of Erie (21–08–0313P).	The Honorable Jennifer Carroll, Mayor, Town of Erie, P.O. Box 750, Erie, CO 80516.	Town Hall, 645 Holbrook Street, Erie, CO 80516.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2022	080181
Boulder	Unincorporated areas of Boulder County (21–08–0313P).	The Honorable Matt Jones, Chairman, Boulder County Board of Commissioners, P.O. Box 471, Boulder, CO 80306.	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80304.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2022	080023

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Larimer	City of Fort Collins (21–08–0194P).	The Honorable Jeni Arndt, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 12, 2022	080102
Larimer	Town of Berthoud (21–08–0072P).	Mr. Chris Kirk, Administrator, Town of Berthoud, P.O. Box 1229, Berthoud, CO 80513.	Public Works Department, 807 Mountain Avenue, Berthoud, CO 80513.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 14, 2022	080296
Larimer	Unincorporated areas of Larimer County (21–08–0072P).	The Honorable John Kefalas, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County Engineering Department, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 14, 2022	080101
Larimer	Unincorporated areas of Larimer County (21–08–0194P).	The Honorable John Kefalas, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County Engineering Department, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 14, 2022	080101
Weld	City of Evans (21–08–0633P).	The Honorable Brian Rudy, Mayor, City of Evans, 1100 37th Street, Evans, CO 80620.	City Hall, 1100 37th Street, Evans, CO 80620.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 27, 2022	080182
Weld	Unincorporated areas of Weld County (21–08–0633P).	The Honorable Steve Moreno, Chairman, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Commissioner's Office, 1150 O Street, Greeley, CO 80631.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 27, 2022	080266
Florida:						
Monroe	City of Marathon (21–04–4337P).	The Honorable Luis Gonzalez, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2022	120681
Monroe	Village of Islamorada (21–04–3944P).	The Honorable Buddy Pinder, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	120424
Polk	City of Lakeland (20–04–4215P).	The Honorable Bill Mutz, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, FL 33801.	Public Works Department, Lakes and Stormwater Division, 407 Fairway Avenue, Lakeland, FL 33801.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 13, 2022	120267
Polk	Unincorporated areas of Polk County (20–04–4215P).	The Honorable Rick Wilson, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 13, 2022	120261
Polk	Unincorporated areas of Polk County (21–04–1668P).	The Honorable Rick Wilson, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 3, 2022	120261
Volusia	City of DeBary (21–04–0574P).	Ms. Carmen Rosamonda, Manager, City of Debary, 16 Colombia Road, DeBary, FL 32713.	City Hall, 16 Colombia Road, DeBary, FL 32713.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 19, 2022	120672
Montana: Stillwater	Unincorporated areas of Stillwater County (21–08–0127P).	The Honorable Mark Crago, Chairman, Stillwater County Board of Commissioners, P.O. Box 970, Columbus, MT 59019.	Stillwater County South Annex, 17 North 4th Street, Columbus, MT 59019.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2022	300078
New Mexico:						
Bernalillo	Unincorporated areas of Bernalillo County (21–06–1463P).	The Honorable Charlene E. Pyskoty, Chair, Bernalillo County Board of Commissioners, 415 Silver Avenue Southwest, 8th Floor, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 415 Silver Avenue Southwest, 5th Floor, Albuquerque, NM 87102.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 2, 2022	350001

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Valencia	Pueblo of Isleta (21–06–0607P).	The Honorable Vernon Abeita, Governor, Pueblo of Isleta, P.O. Box 1290, Isleta, NM 87022.	Isleta Pueblo, Tribal Road 40, Building 117A, Isleta, NM 87022.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2022	350057
Valencia	Unincorporated areas of Valencia County (21–06–0607P).	Mr. Danny Monette, Valencia County Manager, P.O. Box 1119, Los Lunas, NM 87031.	Valencia County Planning and Zoning Department, 444 Luna Avenue, Los Lunas, NM 87031.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2022	350086
Valencia	Village of Los Lunas (21–06–0607P).	The Honorable Charles Griego, Mayor, Village of Los Lunas, P.O. Box 1209, Los Lunas, NM 87031.	Community Development Department, 600 Main Street Northwest, Los Lunas, NM 87031.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2022	350144
South Carolina: Charleston	City of North Charleston (21–04–4892P).	The Honorable R. Keith Summey, Mayor, City of North Charleston, 2500 City Hall Lane, North Charleston, SC 29406.	Building Department, 2500 City Hall Lane, North Charleston, SC 29406.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2022	450042
Tennessee: Williamson	Unincorporated areas of Williamson County (21–04–2547P).	The Honorable Rogers Anderson, Mayor, Williamson County, 1320 West Main Street, Suite 125, Franklin, TN 37064.	Williamson County Administrative Complex, 1320 West Main Street, Suite 400, Franklin, TN 37064.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2022	470204
Texas:						
Montgomery ...	City of Conroe (21–06–0853P).	The Honorable Jody Czajkoski, Mayor, City of Conroe, 700 Metcalf Street, Conroe, TX 77301.	City Hall, 700 Metcalf Street, Conroe, TX 77301.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 7, 2022	480484
Montgomery ...	Unincorporated areas of Montgomery County (21–06–0853P).	The Honorable Mark J. Keough, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Commissioners Court Building, 501 North Thompson Street, Suite 103, Conroe, TX 77301.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 7, 2022	480483
Tarrant	City of Benbrook (21–06–2442P).	The Honorable Jerry Dittrich, Mayor, City of Benbrook, 911 Winscott Road, Benbrook, TX 76126.	City Hall, 911 Winscott Road, Benbrook, TX 76126.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2022	480586
Tarrant	City of Fort Worth (21–06–0792P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2022	480596
Tarrant	City of Fort Worth (21–06–2442P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2022	480596
Tarrant	City of Keller (21–06–1040P).	The Honorable Armin R. Mizani, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	City Hall, 1100 Bear Creek Parkway, Keller, TX 76248.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 20, 2022	480602
Travis	City of Austin (21–06–1313P).	The Honorable Steve Adler, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, 12th Floor, Austin, TX 78704.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2022	480624
Travis	City of Pflugerville (21–06–0589P).	The Honorable Victor Gonzales, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78691.	Development Services Department, 201–B East Pecan Street, Pflugerville, TX 78691.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2022	481028
Travis	Unincorporated areas of Travis County (21–06–0589P).	The Honorable Andy Brown, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Transportation and Natural Resources Department, 700 Lavaca Street, 5th Floor, Austin, TX 78701.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2022	481026
Utah: Salt Lake	City of West Valley City (21–08–0105P).	Mr. Wayne T. Pyle, Manager, City of West Valley City, 3600 South Constitution Boulevard, West Valley City, UT 84119.	Engineering Division, 3600 South Constitution Boulevard, West Valley City, UT 84119.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 10, 2022	510168
Virginia:						
Prince William	City of Manassas (21–03–0526P).	Mr. W. Patrick Pate, City of Manassas Manager, 9027 Center Street, Manassas, VA 20110.	Engineering Department, 8500 Public Works Drive, Manassas, VA 20110.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2022	510122

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Prince William	Unincorporated areas of Prince William County (21–03–0526P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Watershed Management Branch, 5 County Complex Court, Suite 170, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2022	510119
Washington	Unincorporated areas of Washington County (21–03–0800P).	Mr. Jason Berry, Washington County Administrator, 1 Government Center Place, Suite A, Abingdon, VA 24210.	Washington County Government Center, 1 Government Center Place, Suite A, Abingdon, VA 24210.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 6, 2022	510168

[FR Doc. 2021–23240 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Lee (FEMA Docket No.: B–2148).	Unincorporated areas of Lee County (21–04–2326P).	The Honorable Bill English, Chairman, Lee County Commission, P.O. Box 666, Opelika, AL 36803.	Lee County Building Inspection Department, 100 Orr Avenue, Opelika, AL 36804.	Sep. 30, 2021	010250
Shelby (FEMA Docket No.: B–2164).	City of Pelham (20–04–2379P).	The Honorable Gary W. Waters, Mayor, City of Pelham, P.O. Box 1419, Pelham, AL 35124.	City Hall, 3162 Pelham Parkway, Pelham, AL 35124.	Oct. 11, 2021	010193
St. Clair (FEMA Docket No.: B–2148).	Unincorporated areas of St. Clair County (21–04–2404P).	The Honorable Paul Manning, Chairman, St. Clair County Commission, 165 5th Avenue, Suite 100, Ashville, AL 35953.	St. Clair County Flood Management Department, 165 5th Avenue, Suite 100, Ashville, AL 35953.	Oct. 1, 2021	010290
Colorado:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Denver (FEMA Docket No.: B–2148).	City and County of Denver (20–08–0896P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 North Bannock Street, Room 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	Sep. 3, 2021	080046
Eagle (FEMA Docket No.: B–2143).	Unincorporated areas of Eagle County (20–08–0688P).	Mr. Jeff Schroll, Eagle County Manager, P.O. Box 850, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	Sep. 17, 2021	080051
La Plata (FEMA Docket No.: B–2148).	City of Durango (20–08–0734P).	Mr. Jose Madrigal, City of Durango Manager, 949 East 2nd Avenue, Durango, CO 81301.	Planning Department, 1235 Camino Del Rio, Durango, CO 81301.	Sep. 7, 2021	080099
Larimer (FEMA Docket No.: B–2148).	Unincorporated areas of Larimer County (20–08–0812P).	The Honorable John Kefalas, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, Suite 2200, Fort Collins, CO 80521.	Larimer County Engineering Department, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	Sep. 7, 2021	080101
Florida:					
Alachua (FEMA Docket No.: B–2143).	Unincorporated areas of Alachua County (20–04–4498P).	Ms. Michele L. Lieberman, Alachua County Manager, 12 Southeast 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	Sep. 17, 2021	120001
Collier (FEMA Docket No.: B–2148).	City of Naples (21–04–0422P).	The Honorable Teresa Heitmann, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Sep. 7, 2021	125130
Hillsborough (FEMA Docket No.: B–2143).	City of Plant City (21–04–0113P).	The Honorable Rick Lott, Mayor, City of Plant City, 302 West Reynolds Street, Plant City, FL 33563.	City Hall, 302 West Reynolds Street, Plant City, FL 33563.	Sep. 13, 2021	120113
Lee (FEMA Docket No.: B–2141).	City of Bonita Springs (21–04–0614P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Suite 111, Bonita Springs, FL 34135.	Sep. 13, 2021	120680
Lee (FEMA Docket No.: B–2148).	Unincorporated areas of Lee County (21–04–2302P).	Mr. Roger Desjarlais, Lee County Manager, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Sep. 16, 2021	125124
Monroe (FEMA Docket No.: B–2143).	Unincorporated areas of Monroe County (21–04–1248P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Sep. 13, 2021	125129
Palm Beach (FEMA Docket No.: B–2141).	Unincorporated areas of Palm Beach County (20–04–5100P).	The Honorable Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, Suite 1201, West Palm Beach, FL 33401.	Palm Beach County Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	Sep. 9, 2021	120192
Palm Beach (FEMA Docket No.: B–2143).	Village of Royal Palm Beach (20–04–0685P).	The Honorable Fred Pinto, Mayor, Village of Royal Palm Beach, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Village Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.	Sep. 17, 2021	120225
Sarasota (FEMA Docket No.: B–2141).	Unincorporated areas of Sarasota County (21–04–0474P).	The Honorable Alan Maio, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	Sep. 1, 2021	125144
Georgia:					
Cobb (FEMA Docket No.: B–2143).	City of Smyrna (20–04–5692P).	The Honorable Derek Norton, Mayor, City of Smyrna, 2800 King Street, Smyrna, GA 30080.	Public Works Department, 2190 Atlanta Road, Smyrna, GA 30080.	Sep. 7, 2021	130057
Cobb (FEMA Docket No.: B–2143).	Unincorporated areas of Cobb County (20–04–5692P).	The Honorable Lisa Cupid, Chair, Cobb County Board of Commissioners, 100 Cherokee Street, Suite 300, Marietta, GA 30090.	Cobb County Stormwater Management Division, 660 South Cobb Drive, Marietta, GA 30060.	Sep. 7, 2021	130052
DeKalb (FEMA Docket No.: B–2141).	Unincorporated areas of DeKalb County (21–04–0617P).	The Honorable Michael L. Thurmond, Chief Executive Officer, DeKalb County, 1300 Commerce Drive, 6th Floor, Decatur, GA 30030.	DeKalb County Roads and Drainage Department, 727 Camp Road, Decatur, GA 30032.	Sep. 10, 2021	130065
Fulton (FEMA Docket No.: B–2143).	City of Atlanta (20–04–5692P).	The Honorable Keisha Lance Bottoms, Mayor, City of Atlanta, 55 Trinity Avenue, Suite 2500, Atlanta, GA 30303.	City Hall, 72 Marietta Street Northwest, Atlanta, GA 30303.	Sep. 7, 2021	135157
Kentucky: Carroll (FEMA Docket No.: B–2148).	Unincorporated areas of Carroll County (21–04–1755P).	The Honorable Harold Tomlinson, Carroll County Executive, 440 Main Street, Carrollton, KY 41008.	Carroll County Solid Waste Department, 829 Polk Street, Carrollton, KY 41008.	Sep. 3, 2021	210045
Louisiana: Lafayette (FEMA Docket No.: B–2159).	City of Broussard (21–06–1666P).	The Honorable Ray Bourque, Mayor, City of Broussard, 310 East Main Street, Broussard, LA 70518.	City Hall, 310 East Main Street, Broussard, LA 70518.	Sep. 20, 2021	220102
Massachusetts: Essex (FEMA Docket No.: B–2148).	Town of Marblehead (21–01–0574P).	Mr. Jason Silva, Town of Marblehead Administrator, 188 Washington Street, Marblehead, MA 01945.	Engineering Department, 7 Widger Road, Marblehead, MA 01945.	Sep. 17, 2021	250091
South Carolina:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Charleston (FEMA Docket No.: B–2141).	Town of Sullivan's Island (21–04–2046P).	The Honorable Patrick M. O'Neil, Mayor, Town of Sullivan's Island, 2056 Middle Street, Sullivan's Island, SC 29482.	Building Department, 2056 Middle Street, Sullivan's Island, SC 29482.	Sep. 13, 2021	455418
Richland (FEMA Docket No.: B–2141).	City of Columbia (20–04–4501P).	The Honorable Stephen K. Benjamin, Mayor, City of Columbia, 1737 Main Street, Columbia, SC 29201.	Water Department, 1136 Washington Street, Columbia, SC 29201.	Sep. 20, 2021	450172
Richland (FEMA Docket No.: B–2141).	Unincorporated areas of Richland County (20–04–4501P).	The Honorable Paul Livingston, Chairman, Richland County Council, 2308 Park Street, Columbia, SC 29201.	Richland County Floodplain Management Department, 2020 Hampton Street, Columbia, SC 29204.	Sep. 20, 2021	450170
Texas:					
Denton (FEMA Docket No.: B–2141).	Unincorporated areas of Denton County (21–06–0565P).	The Honorable Andy Eads, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Public Works, Engineering Department, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Sep. 13, 2021	480774
Williamson (FEMA Docket No.: B–2141).	Unincorporated areas of Williamson County (21–06–0017P).	The Honorable Bill Gravell, Jr., Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Engineering Department, 3151 Southeast Inner Loop, Georgetown, TX 78626.	Sep. 16, 2021	481079

[FR Doc. 2021–23241 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2176]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Pinal	Town of Florence (21–09–0464P).	The Honorable Tara Walter, Mayor, Town of Florence, P.O. Box 2670, Florence, AZ 85132.	Public Works Department, 224 West 20th Street, Florence, AZ 85132.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 14, 2022	040084
California:						
Butte	City of Gridley (20–09–0709P).	The Honorable Bruce Johnson, Mayor, City of Gridley, 685 Kentucky Street, Gridley, CA 95948.	Public Works Department, 853 Laurel Street, Gridley, CA 95948.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 31, 2022	060019
Butte	Unincorporated Areas of Butte County (20–09–0709P).	The Honorable Bill Connelly, Chairman, Board of Supervisors, Butte County, 25 County Center Drive, Suite 200, Oroville, CA 95965.	Butte County Department of Public Works, 7 County Center Drive, Oroville, CA 95965.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 31, 2022	060017
Riverside	City of Menifee (21–09–0711P).	The Honorable Bill Zimmerman, Mayor, City of Menifee, 29844 Haun Road, Menifee, CA 92586.	Public Works and Engineering Department, 29714 Haun Road, Menifee, CA 92586.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2022	060176
Riverside	City of Perris (21–09–0711P).	The Honorable Michael Vargas, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	Engineering Department, 24 South D Street, Suite 100, Perris, CA 92570.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2022	060258
San Diego	Unincorporated Areas of San Diego County (21–09–0926P).	The Honorable Nathan Fletcher, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	San Diego County Flood Control District, Department of Public Works, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	060284
San Luis Obispo.	City of San Luis Obispo (21–09–0731P).	The Honorable Heidi Harmon, Mayor, City of San Luis Obispo, 990 Palm Street, San Luis Obispo, CA 93401.	City Hall, 990 Palm Street, San Luis Obispo, CA 93401.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 23, 2021	060310
Colorado:						
Larimer	Town of Berthoud (21–08–0181P).	The Honorable William Karspeck, Mayor, Town of Berthoud, P.O. Box 1229, Berthoud, CO 80513.	Town Hall, 807 Mountain Avenue, Berthoud, CO 80513.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2021	080296
Larimer	Unincorporated Areas of Larimer County (21–08–0181P).	Mr. John Kefalas, Chair, Larimer County, 200 West Oak Street, Fort Collins, CO 80521.	Larimer Courthouse Offices Building, 200 West Oak Street, Suite 3000, Fort Collins, CO 80521.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 22, 2021	080101
Summit	Town of Breckenridge (21–08–0179P).	The Honorable Eric Mamula, Mayor, Town of Breckenridge, P.O. Box 168, Breckenridge, CO 80424.	Public Works, 1095 Airport Road, Breckenridge, CO 80424.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	080172
Summit	Unincorporated Areas of Summit County (21–08–0179P).	Ms. Elizabeth Lawrence, District 1 Commissioner Summit County, Board of County Commissioners, P.O. Box 68, Breckenridge, CO 80424.	Summit County Commons, 0037 Peak One Drive, Frisco, CO 80443.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	080290
Florida:						
Duval	City of Jacksonville (20–04–3087P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, City Hall at St. James, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Edward Ball Building Development Services, Room 2100, 214 North Hogan Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 13, 2022	120077
Flagler	City of Bunnell (21–04–0706P).	The Honorable Catherine Robinson, Mayor, City of Bunnell, P.O. Box 756, Bunnell, FL 32110.	City Hall, 200 South Church Street, Bunnell, FL 32110.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 27, 2022	120086

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Flagler	City of Palm Coast (21–04–0706P).	The Honorable David Alfin, Mayor, City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164.	City Hall, 2 Commerce Boulevard, Palm Coast, FL 32164.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 27, 2022	120684
Minnesota: Washington.	City of Hugo (21–05–0119P).	The Honorable Tom Weidt, Mayor, City of Hugo, City Hall, 14669 Fitzgerald Avenue North, Hugo, MN 55038.	City Hall, 14669 Fitzgerald Avenue North, Hugo, MN 55038.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 21, 2022	270504
Missouri:						
Howell	City of Willow Springs (21–07–0432P).	The Honorable Brooke Fair, Mayor, City of Willow Springs, City Hall, P.O. Box 190, Willow Springs, MO 65793.	City Hall, 900 West Main Street, Willow Springs, MO 65793.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 16, 2021	290167
Howell	Unincorporated Areas of Howell County (21–07–0432P).	Mr. Mark Collins, County Commissioner, Howell County, 35 Court Square, West Plains, MO 65775.	Howell County Surveyor's Office, 1390 Bill Virdon Boulevard, West Plains, MO 65775.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 16, 2021	290806
Nevada: Clark	Unincorporated Areas of Clark County (21–09–0231P).	The Honorable Marilyn Kirkpatrick, Chair, Board of Commissioners, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89155.	Clark County, Office of the Director of Public Works, 500 South Grand Central Parkway, 2nd Floor, Las Vegas, NV 89155.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	320003
Texas: Tarrant	City of Haslet (20–06–3134P).	The Honorable Gary Hulsey, Mayor, City of Haslet, 101 Main Street, Haslet, TX 76052.	City Hall, 101 Main Street, Haslet, TX 76052.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 4, 2022	480600
Wisconsin:						
Brown	Unincorporated Areas of Brown County (21–05–0179P).	Mr. Patrick Buckley, Chair, Board of Supervisors District 11, Brown County, P.O. Box 23600, Green Bay, WI 54305.	Brown County, Zoning Office, 305 East Walnut Street, Green Bay, WI 54305.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 27, 2021	550020
Washington	Village of Richfield (21–05–1969P).	Mr. John Jeffords, Village President, Village of Richfield, Village Hall, 4128 Hubertus Road, Hubertus, WI 53033.	Village Hall, 4128 Hubertus Road, Hubertus, WI 53033.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 14, 2022	550518

[FR Doc. 2021–23239 Filed 10–25–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2702–21; DHS Docket No. USCIS–2021–0022]

Remote Document Examination for Form I–9, Employment Eligibility Verification: Request for Public Input

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Request for public input.

SUMMARY: The Department of Homeland Security (DHS) is seeking input from the public regarding document examination practices associated with the Form I–9, *Employment Eligibility Verification.* DHS solicits this input to better understand employers' and employees' experiences with this process and to examine the impacts of remote document examination conducted during the Coronavirus disease (COVID–19) pandemic. DHS especially seeks to understand the potential costs and benefits of allowing for future remote document examination flexibilities.

DATES: Written comments are requested on or before December 27, 2021. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments, identified by docket number USCIS–2021–0022, through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, may not be reviewed by DHS in connection with this notice. Please note that DHS and USCIS cannot accept any comments that are hand delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is not accepting mailed comments at this time. If you cannot submit your comment by using *http://www.regulations.gov,* please contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at 240–721–3000 for alternate submission instructions.

FOR FURTHER INFORMATION CONTACT: Oscar Lujan, Associate Chief for Policy and Guidance, Verification Division, Immigration Records and Identity Services Directorate, U.S. Citizenship and Immigration Services, DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section.

Instructions: All submissions must include the docket number for this notice. Comments received may be posted without change to *http://www.regulations.gov* including any personal information provided.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov.*

II. Background

For over three decades, federal law has required that every employer must attest on a form established by regulation that it has verified that the employee is authorized for employment in the United States.[1] The Form I–9 is used to verify the employee's identity and employment eligibility as required by 8 U.S.C. 1324a(b), which calls for the employer to ''examin[e]'' documentation provided by the individual and then, if the documentation reasonably appears on its face to be genuine, attest that ''it has verified that the individual is not an unauthorized alien by examining the document[ation]'' provided. 8 CFR 274a.2(b)(1)(ii)(A) requires that every employer ''[p]hysically examine'' and then attest that the documents appear to be genuine and to relate to the person presenting them. If an employee presents a document that does not reasonably appear to be genuine or to relate to him or her, the employer must reject that document and may ask the employee to present other acceptable documents that satisfy the requirements of Form I–9.

COVID–19 was declared a National Emergency on March 13, 2020, and on March 20, 2020, DHS announced [2] that it would defer the physical presence requirements associated with Form I–9. DHS permitted employers with employees taking physical proximity precautions due to COVID–19 to examine their employees' identity and employment eligibility documents remotely (for example, over video link, fax, or email, etc.). Then, within three business days after the termination of the National Emergency, DHS would require employers to obtain, inspect, and retain copies of the documents and enter ''COVID–19'' in Section 2 as the reason for the physical inspection delay. Prior to April 1, 2021, these flexibilities only applied to employers and workplaces operating exclusively remotely. If employees were physically present at a work location, DHS offered no exception to the in-person verification of identity and employment eligibility documentation. These flexibilities were initially allowed for a period of 60 days and were subsequently extended several times.

DHS then issued guidance on March 31, 2021,[3] that specified: (a) The requirement that employers inspect employees' Form I–9 identity and employment eligibility documentation in-person applies only to those employees who physically report to work at a company location on any regular, consistent, or predictable basis; (b) employees hired on or after April 1, 2021, who work exclusively in a remote setting due to COVID–19-related precautions, are temporarily exempt from the physical inspection requirements until they undertake non-remote employment on a regular, consistent, or predictable basis, or the extension of the flexibilities related to such requirements is terminated, whichever is earlier; and (c) the flexibilities do not preclude employers from commencing, in their discretion, the in-person verification of identity and employment eligibility documentation for employees who were hired on or after March 20, 2020, and presented such documents for remote inspection in reliance on the flexibilities first announced in March 2020.

On August 31, 2021, DHS announced that the document examination flexibilities established on March 20, 2020, were extended until December 31, 2021.[4]

III. Request for Input

A. Importance of Public Input

DHS is now seeking to explore alternative options to physical document examination that offer an equivalent or higher level of security for identity and employment eligibility verification purposes.[5] Members of the public may have unique insight about ways employers may conduct remote document examination related to the Form I–9. DHS is interested in obtaining input from the public about its experiences with remote document examination that can be used to inform and improve DHS policies and processes.

B. Maximizing the Value of Public Input

This notice contains a list of questions, the answers to which will assist DHS in identifying processes that may reduce burdens on the public, save costs and/or time, and/or improve efficiency. DHS encourages public comment on these questions and seeks any other information or data commenters believe are relevant to this request.

DHS particularly encourages comments from employers, as well as employer organizations such as trade groups or associations, employment recruitment and referral organizations, organizations specializing in employee onboarding, employees, researchers and policy experts, and other members of the public. DHS also encourages comments from small businesses, small nonprofits, and small governmental jurisdictions with a population of fewer than 50,000.

DHS is interested in responses to the specific questions below, as well as the general concepts and topics identified. DHS is particularly interested in responses describing employees' and employers' specific experiences and input related to document examination practices. To better categorize responses, DHS encourages respondents to identify their role in the employment eligibility process (for example, employer, employer association, employee), and if the respondent is an employer, to indicate its approximate organization size by number of employees, industry type, and whether the employer is currently enrolled in E-Verify.

C. List of Questions for Commenters

The following non-exhaustive list of questions is meant to assist commenters in formulating comments, and is not

[1] Immigration Reform and Control Act of 1986, Public Law 99–603, 100 Stat. 3359, Part A, 101 (Nov. 6, 1986), codified at 8 U.S.C. 1324a(b), 8 CFR 274a.2(b)(1).

[2] U.S. Immigration and Customs Enforcement, ''DHS announces flexibility in requirements related to Form I–9 compliance,'' *https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance* (last visited Sept. 24, 2021).

[3] U.S. Immigration and Customs Enforcement, ''DHS announces flexibility in requirements related to Form I–9 compliance,'' *https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance* (last visited Sept. 24, 2021).

[4] U.S. Immigration and Customs Enforcement, ''ICE announces extension to new employee guidance to I–9 compliance flexibility,'' *https://www.ice.gov/news/releases/ice-announces-extension-new-employee-guidance-i-9-compliance-flexibility-1* (last visited Sept. 24, 2021).

[5] Form I–9 related provisions and requirements are found in the Immigration Reform and Control Act of 1986, codified at sections 274A (8 U.S.C. 1324a), 274B (8 U.S.C. 1324b) and 274C (8 U.S.C. 1324c) of the Immigration and Nationality Act (INA), as well as in implementing regulations and guidance at 8 CFR 270, 274a, 8 CFR parts 44 and 68, and in the Handbook for Employers (M–274) *https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274.*

intended to restrict the feedback that commenters may provide:

Experiences With Pandemic-Related Document Examination Flexibilities

1. Did you or your organization use the flexibilities for remote document examination for the Form I–9 since March 20, 2020? If not, why? If so, what was your experience using the flexibilities? How did small employers use these flexibilities?

2. If the employer performed any remote document examinations since March 20, 2020:

a. What were your experiences with internal technical capabilities to perform remote document examination (for example, video quality, image quality, document retention, etc.)?

b. What were your experiences related to employee-provided digital images or copies of documents for retention?

c. What were your experiences related to employees' remote completion and submission of Section 1 of the Form I–9?

d. What processes and/or technology solutions were typically used to remotely examine documents (for example, over video link, fax, or email, etc.)? Was the process always the same, or did it vary based on circumstances? What, if any, internal policies were put into place related to remote document examination practices?

e. Were any remotely examined documents rejected because they did not relate to the individual presenting them or did not appear to be genuine? Were there any instances in which a document was accepted during remote examination, but upon subsequent physical inspection, the employer determined that the document did not appear to be genuine or did not relate to the individual presenting it? If so, what actions did the employer take?

3. If the employer performed any remote document examinations since March 20, 2020, and is enrolled in E-Verify:

a. Were any documents examined remotely for which E-Verify returned an Employment Authorized result, but upon subsequent physical examination, the employer determined that the documents did not appear to be genuine or relate to the individual presenting them? If so, what actions did the employer take?

b. What, if any, challenges did employers experience in interpreting and following the requirements of participation in the E-Verify program [6] during the period of remote document examination?

4. What other changes did employers make to Form I–9 document inspection procedures during the pandemic? Did employers increase use of authorized representatives?

Considerations for Future Remote Document Examination Procedures

1. What are the direct and indirect burdens on employees and employers related to the physical document examination requirement for Form I–9?

2. What are the direct and indirect burdens on employees and employers related to the use of authorized representatives to meet the physical document examination requirement?

3. What would be the direct and indirect benefits of offering a permanent option for remote document examination of Form I–9 identity and work eligibility documents (for example, allowing some employers to centralize Form I–9 processing)?

4. What would be the direct and indirect costs of offering a permanent option for remote document examination of Form I–9 identity and work eligibility documents (for example, training or technology acquisition costs)?

5. What would be the direct and indirect burdens on small employers for the items listed above? What are the unique challenges faced by small employers with this process and these flexibilities? What kinds of alternatives should be provided for small employers in adopting these flexibilities?

6. If employers were allowed a permanent option for remote document examination, what types of employers and/or employees do you anticipate would be interested in participating or not interested in participating?

7. How might participation requirements as a condition of these flexibilities, such as required enrollment in E-Verify, document or image quality or retention requirements, or required completion of training offered by DHS, impact an employer's desire or ability to utilize such a flexibility?

8. What would be the costs or benefits associated with making enrollment in E-Verify a condition of flexibilities for you, as an employer?

9. If DHS were to permanently allow an option for remote document examination, what technical considerations would participating employers have to consider?

10. What impact would a permanent option for remote document examination have on employees and employers, if any? If these flexibilities are adopted, are there requirements DHS should adopt to ensure employee rights related to document examination are protected?

11. Are there solutions that would enable employers to verify that documents that are examined remotely appear to be genuine and to relate to the individual presenting them? What actions by DHS would encourage the commercial development of such solutions?

12. Should DHS consider changes to the current lists of acceptable documents on the Form I–9, in the context of remote document examination? What would be the costs and benefits of such changes?

13. Are there any other factors DHS should consider related to remote document examination?

IV. Review of Public Input

This notice is issued solely for information and program-planning purposes. Public input provided in response to this notice does not bind DHS to any further actions, to include publishing a formal response or agreement to initiate a recommended change. DHS will consider the feedback and make changes or process improvements at its sole discretion. Commenting on this notice is not a substitute for commenting on other ongoing DHS rulemaking efforts. To be considered as part of a specific rulemaking effort, comments on DHS rules must be received during the comment period identified in the relevant rulemaking published in the **Federal Register**, and in the manner specified therein.

Ur M. Jaddou,

Director, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2021–23260 Filed 10–25–21; 8:45 am]

BILLING CODE 9111–97–P

[6] E-Verify Memorandum of Understanding: *https://www.e-verify.gov/sites/default/files/everify/memos/MOUforEVerifyEmployer.pdf.*

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03042000, 21XR0680A1, RX.18786000.1000000; OMB Control Number 1006–0015]

Agency Information Collection Activities; Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we,

the Bureau of Reclamation (Reclamation), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before December 27, 2021.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jeremy Dodds, Manager, Water Accounting and Verification Group, LCB–4200, Boulder Canyon Operations Office, Interior Region 8: Lower Colorado Basin, Bureau of Reclamation, P.O. Box 61470, Boulder City, NV 89006–1470; or by email to *jdodds@usbr.gov* with a courtesy copy to *bor-sha-bcooadmin@usbr.gov.* Please reference OMB Control Number 1006–0015 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeremy Dodds by email at *jdodds@usbr.gov,* or by telephone at (702) 293–8164. Individuals who are hearing or speech impaired may call the Federal Relay Service at (800) 877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Reclamation delivers Colorado River water to water users for diversion and beneficial consumptive use in the States of Arizona, California, and Nevada. The Consolidated Decree of the United States Supreme Court in the case of *Arizona* v. *California, et al.,* entered March 27, 2006 (547 U.S. 150 (2006)), requires the Secretary of the Interior to prepare and maintain complete, detailed, and accurate records of diversions of water, return flow, and consumptive use and make these records available at least annually. The information collected ensures that a State or a water user within a State does not exceed its authorized use of Colorado River water. Water users are obligated by provisions in their water delivery contracts to provide Reclamation information on diversions and return flows. Reclamation determines the consumptive use by subtracting return flow from diversions or by other engineering means.

Title of Collection: Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin.

OMB Control Number: 1006–0015.

Form Numbers: LC–72A, LC–72B, Custom Forms.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: The respondents will include the Lower Basin States (Arizona, California, and Nevada), local and tribal entities, water districts, and individuals that use Colorado River water.

Total Estimated Number of Annual Respondents: 84.

Total Estimated Number of Annual Responses: 491.

Estimated Completion Time per Response: See table.

Total Estimated Number of Annual Burden Hours: 103 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Monthly, annually, or otherwise as stipulated by the water user's Colorado River water delivery contract with the Secretary of the Interior.

Total Estimated Annual Non-hour Burden Cost: None.

Frequency of data collection (monthly/annual)	Form No.	Number of respondents	Minutes/ response	Number responses/ respondent	Total responses/ year	Total hours/year
Annual	LC–72A	8	10	1	8	1
Annual	LC–72B	12	10	1	12	2
Monthly	Custom Forms	37	12	12	444	89
Annual	Custom Forms	27	25	1	27	11
Total		84			491	103

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jacklynn L. Gould,

Regional Director, Interior Region 8: Lower Colorado Basin, Bureau of Reclamation.

[FR Doc. 2021–23312 Filed 10–25–21; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1206]

Certain Percussive Massage Devices; Commission Determination To Review in Part an Initial Determination Granting in Part a Motion for Summary Determination and Finding a Violation of Section 337; Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part an initial determination (''ID'') (Order No. 40) of the presiding administrative law judge (''ALJ'') granting in part complainant's motion for summary determination and finding a violation of section 337. The Commission requests written submissions from the parties on an issue under review, and requests briefing from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. 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: The Commission instituted this investigation on July 22, 2020, based on a complaint filed on behalf of Hyper Ice, Inc. (''Hyperice'') of Irvine, California. 85 FR 44322 (July 22, 2020). The complaint, as supplemented, alleges 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 percussive massage devices by reason of infringement of certain claims of U.S. Patent No. 10,561,574 (''the '574 patent''); U.S. Design Patent No. D855,822; and U.S. Design Patent No. D886,317 (collectively, ''Asserted Design Patents''). The complaint further alleges that a domestic industry exists. The Commission's notice of investigation names the following nineteen respondents: Laiwushiyu Xinuan Trading Company of Shandong District, China; Shenzhen Let Us Win-Win Technology Co., Ltd. of Guangdong, China; Shenzhen Qifeng Technology Co., Ltd. of Guangdong, China; Shenzhen QingYueTang E-commerce Co., Ltd. of Guangdong, China; and Shenzhen Shiluo Trading Co., Ltd. of Guangdong, China (collectively, the ''Unserved Respondents''); Kinghood International Logistics Inc. (''Kinghood'') of La Mirada, California; Manybo Ecommerce Ltd. (''Manybo'') of Hong Kong, China; Shenzhen Infein Technology Co., Ltd. (''Shenzhen Infein'') of Guangdong, China; Hong Kong Yongxu Capital Management Co., Ltd. (''Hong Kong Yongxu'') of Hong Kong, China; Kula eCommerce Co., Ltd. (''Kula'') of Guangdong, China; Performance Health Systems, LLC (''Performance Health'') of Northbrook, Illinois; Rechar, Inc. (''Rechar'') of Strasburg, Colorado; Ning Chen of Yancheng, Jiangsu China; Opove, Ltd. (''Opove'') of Azusa, California; Shenzhen Shufang E-Commerce Co., Ltd. (''Shufang E-Commerce'') of Shenzhen, China; Fu Si (''Shenzhen Fusi Technology'') of Guangdong, China; [1] WODFitters (''WODFitters'') Lorton, Virginia; Massimo Motor Sports, LLC (''Massimo'') of Garland, Texas; and Addaday LLC (''Addaday'') of Santa Monica, California. The notice of investigation also names the Office of Unfair Import Investigations (''OUII'') as a party.

On October 16, 2020, the Commission determined not to review Order No. 11 granting motions to intervene by third parties Shenzhen Xinde Technology Co., Ltd. (''Xinde'') and Yongkang Aijiu Industrial & Trade Co., Ltd. (''Aijiu'') in the investigation. *See* Order No. 11 (Sept. 25, 2020), *unreviewed by* Comm'n Notice (Oct. 16, 2020).

Respondents Addaday, WODFitters, Massimo, Performance Health, Rechar, Ning Chen, Opove, Shufang E-Commerce, Xinde, Aijiu, and Shenzhen Fusi Technology were terminated from the investigation based upon settlement agreements. *See* Order No. 10 (Sep. 16, 2020), *unreviewed by* Comm'n Notice (Oct. 15, 2020); Order No. 12 (Nov. 4, 2020), *unreviewed by* Comm'n Notice (Nov. 20, 2020); Order No. 30 (Apr. 8, 2021), *unreviewed by* Comm'n Notice (Apr. 22, 2021).

The Unserved Respondents were terminated from the investigation based upon withdrawal of the Complaint. *See* Order No. 36 at 2 (Aug. 3, 2021) *unreviewed by* Comm'n Notice (Aug. 19, 2021).

Respondents Kinghood, Manybo, Shenzhen Infein, Hong Kong Yongxu, and Kula (collectively, ''the Defaulting Respondents'') were found in default. *See* Order No. 17 (Dec. 17. 2020), *unreviewed by* Comm'n Notice (Jan. 5, 2021).

On May 6, 2021, OUII filed a motion to terminate the Asserted Design Patents from this investigation on the ground that Hyperice did not have sufficient rights to the design patents at the time the investigation was instituted. On May 17, 2021, Hyperice filed its response in opposition to OUII's motion to terminate, which included a cross-motion to amend the Complaint to reflect proper inventorship.

On May 7, 2021, Hyperice filed a motion for summary determination that the Defaulting Respondents have violated section 337 for infringing its three asserted patents. On May 14, 2021, Hyperice supplemented its motion with additional declarations. On May 20, 2021, Hyperice again supplemented its motion with claim charts and exhibits. OUII filed a response in support of the motion with respect to the '574 patent but not with respect to the asserted design patents.

On August 17, 2021, the ALJ issued Order No. 38 denying Hyperice's motion to amend the complaint and the notice of investigation to reflect proper inventorship. That same day, the ALJ issued Order No. 39 granting OUII's motion to terminate the Asserted Design

[1] Respondent Fu Si's full name is Shenzhen Fusi Technology Co., Ltd. *See* Response of Opove Ltd., Shenzhen Shufang E-Commerce Co., Ltd., and Fu Si to the Complaint and Notice of Investigation at ¶ 40, EDIS Doc ID 716966 (Aug. 11, 2020). The principal place of business of Shenzhen Fusi Technology Co., Ltd. was changed to 14E, Building A, Guanghao International Center, No. 441 Meilong Road, Minzhi Street, Longhua District, Shenzhen, China, 518131 effective September 15, 2020. *Id.*

Patents for lack of standing. Hyperice filed a timely petition for review of Order No. 39 and OUII filed a response to the petition. November 12, 2021 is the date by which the Commission must determine whether to review Order No. 39.

On August 20, 2021, the ALJ issued the subject ID (Order No. 40) granting in part Hyperice's motion for summary determination of violation of section 337. Specifically, the ID found: (1) That Hyperice established the importation requirement as to Defaulting Respondents Kinghood, Manybo, Shenzhen Infein, and Hong Kong Yongxu, but not Kula; (2) that Defaulting Respondents Kinghood, Manybo, Shenzhen Infein, and Hong Kong Yongxu infringe one or more of claims 1–7, 9, 14, and 15 of the '574 patent; (3) that Hyperice's domestic industry products practice at least one claim of the '574 patent; and (4) that Hyperice has proven that a domestic industry exists within the United States related to articles protected by that patent. Accordingly, the ALJ found that four of the five Defaulting Respondents have infringed one or more of claims 1–7, 9, 14, and 15 of the '574 patent in violation of section 337. No petitions for review of the ID were filed.

The ALJ concurrently issued a Recommended Determination (''RD'') on the issues of remedy and bonding. The RD recommends the issuance of a general exclusion order and a cease and desist order and setting the bond during the period of Presidential review in the amount of one hundred percent (100%) of the entered value.

Having reviewed the record of the investigation, including the subject ID and the parties' submissions to the ALJ, the Commission has determined to review in part the ID. Specifically, the Commission has determined to review the ID's finding that Hyperice has satisfied the economic prong of the domestic industry requirement with respect to the '574 patent. The Commission adopts the ID's findings that Hyperice provided undisputed evidence that Kinghood's, Manybo's, and Shenzhen Infein's accused products infringe claims 1–7, 9, 14 and 15 of the 574 patent and that Hong Kong Yongxu's accused products infringe claims 1–7, 14 and 15 of the 574 patent. Although Hyperice provided undisputed evidence that Kula's accused products infringe claims 1–7, 9, 14 and 15 of the 574 patent, the Commission adopts the ID's finding that there is insufficient evidence of importation of Kula's accused products.

The parties are requested to brief their positions on only the following issue under review.

(1) Please explain whether Complainant's asserted domestic industry differs from that of a mere importer, including by discussing the claimed expenditures and how the Commission and the Federal Circuit have considered such expenditures in prior investigations. In answering this question, please address the extent to which the activities relied upon to show satisfaction of the economic prong need to take place in the United States either as a legal or a practical matter.

(2) Please explain the nature and significance of Complainant's employment of labor or capital in the United States with respect to articles protected by the '574 patent.

(3) Please provide, to the extent permitted by the record, a breakout of the claimed allocated expenditures by type of activities, in particular (but not limited to) research and development, design, product engineering, supply chain and operation management, customer service, sales, marketing, and repair and warranty work.

(4) Please discuss whether Complainant's asserted domestic industry investments are significant under section 337(a)(3)(B) in light of Commission and Federal Circuit precedents. Please include in your response a contextual, quantitative discussion, including a discussion of Complainants' foreign investments and expenditures relative to its domestic industry expenditures in these statutory categories, and/or a discussion of the value added to the product from Complainant's activities in the United States. Please also include in your response a discussion of any other quantitative and qualitative analysis of the significance of the domestic industry's employment of labor or capital under section 337(a)(3)(B).

(5) Please explain how Complainant's domestic workforce contributes to establishing an industry in the United States.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have on: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In their initial submissions, Complainant is also requested to identify the remedy sought and Complainant and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the date that the Asserted Patent expires, to provide the HTSUS subheadings under which the accused products are imported and to supply the identification information for all known

importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on Wednesday, November 3, 2021. Reply submissions must be filed no later than the close of business on Wednesday, November 10, 2021. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337–TA–1206) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on October 20, 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: October 20, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–23267 Filed 10–25–21; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure; revised notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting in Washington, DC on January 4, 2022 rather than in Miami, FL as previously announced. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.* The announcement for this meeting was previously published in the **Federal Register** on June 28, 2021.

DATES: January 4, 2022.

FOR FURTHER INFORMATION CONTACT: Scott Myers, Esq., Acting Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

(Authority: 28 U.S.C. 2073.)

Dated: October 21, 2021.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2021–23276 Filed 10–25–21; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–917]

Importer of Controlled Substances Application: Globyz Pharma, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Globyz Pharma, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTAL INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 26, 2021. Such persons may also file a written request for a hearing on the application on or before November 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on August 18, 2021, Globyz Pharma, LLC, 2101 Market Street, Suite 5, Upper Chichester, Pennsylvania 19061–4001, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Oxycodone	9143	II

The company plans to import finished dosage unit products of the above controlled substances solely for its customers to perform analytical testing to meet Canadian requirements. The analysis is required to allow its customers to export domestically

manufactured finished dosage forms to foreign markets. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–23285 Filed 10–25–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 20–22]

Nicholas P. Roussis, M.D.; Decision and Order

On May 27, 2020, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Nicholas P. Roussis, M.D. (hereinafter, Respondent), of Staten Island, New York. Order to Show Cause (hereinafter, OSC), at 1. The OSC proposed the denial of Respondent's application for DEA Certificate of Registration, Control No. W19115227C, because Respondent was mandatorily excluded from '''participation in Medicare, Medicaid, and all federal health care programs for a minimum period of 10 years' pursuant to 42 U.S.C. 1320a–7(a)'' and such exclusion ''warrants denial of [Respondent's] application for a [registration] pursuant to 21 U.S.C. 824(a)(5).'' *Id.* at 1–2 (citing *Richard Hauser, M.D.,* 83 FR 26308 (2018)).

Specifically, the OSC alleged that, on October 16, 2017, the United States District Court for the District of New Jersey issued a judgment against Respondent ''based on [Respondent's] plea of guilty to the charge of Racketeering-Transporting in Aid of Travel Act-Acceptance of Bribes, in violation of 18 U.S.C. 1952(a)(3) & 18 U.S.C. 2, a felony.'' *Id.* at 2 (citing *U.S.* v. *Nicholas P. Roussis,* No. 2:17–cr–00231–SRC (D.N.J.)). The OSC further alleged that ''[b]ased on [Respondent's] conviction, the U.S. Department of Health and Human Services, Office of the Inspector General (''HHS/OIG''), by letter dated April 30, 2018, mandatorily excluded [Respondent] from 'participation in Medicare, Medicaid, and all federal health care programs for a minimum period of 10 years' pursuant to 42 U.S.C. 1320a–7(a), effective May 20, 2018.'' *Id.*

The OSC notified Respondent of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 3 (citing 21 CFR 1301.43). The OSC also notified Respondent of the opportunity to submit a corrective action plan. *Id.* at 3–4 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated June 30, 2020, Respondent timely requested a hearing. Administrative Law Judge Exhibit (hereinafter, ALJX) 2. The matter was placed on the docket of the Office of Administrative Law Judges and was assigned to Administrative Law Judge Mark M. Dowd (hereinafter, the ALJ). On July 1, 2020, the ALJ issued an Order for Prehearing Statements. ALJX 3. The Government timely filed its prehearing statement (hereinafter, Govt Prehearing) on July 13, 2020. ALJX 4. Respondent timely filed his prehearing statement (hereinafter, Resp Prehearing) on July 22, 2020. ALJX 5. On July 28, 2020, the ALJ issued a prehearing ruling that, among other things, established the schedules and procedures for the remaining prehearing activities and for the hearing. ALJX 6 (Prehearing Ruling, at 1–11).

On September 8, 2020, the Government filed ''Objections Pursuant to 21 CFR 1316.59'' (hereinafter, Govt Objections), which objected to the admission of certain evidence submitted by Respondent on the grounds of authenticity. ALJX 8 (Govt Objections), at 2. The evidence in question consisted of ''Respondent's Exhibit 1, a 38-page document containing approximately 18 letters'' that Respondent had submitted on August 3, 2020. Govt Objections, at 1. According to the Govt Objections, ''[m]ost of the letters [appeared] to have been drafted . . . nearly three years before the Government served its [OSC].'' *Id.* Further, the Government alleged that, ''[a]ll but two of the letters [were] unsigned and four [were] undated.'' *Id.* Finally, the Government claimed that, ''[although] all but one of the letters [appeared] to be directed toward a Federal District Court Judge in connection with *U.S.* v. *Nicholas P. Roussis* . . . the letters [did] not seem to be available for inspection as part of the publically [sic] assessable electronic court file.'' *Id.* at 2. The Government concluded that because ''all but two of the letters [were] unsworn and no witness [was] disclosed to authenticate and/or lay a foundation for the documents' admissibility'' the letters should not be admitted. *Id.* On September 9, 2020, Respondent filed a Reply to Government's Objections (hereinafter, Reply to Objections). In the Reply to Objections, Respondent attached an affirmation from one of the attorneys who represented him in his criminal case. Reply to Objections, at 1. The affirmation stated that all 18 letters had been submitted as exhibits to the District of New Jersey as part of Respondent's sentencing submission during his criminal case. Reply to Objections, Attachment (Affirmation of Angela D. Lipsman), at 1–3. In the Reply to Objections, Respondent stated, ''[p]lease consider that affirmation as a response to the Government's objections.'' Reply to Objections, at 1. At the hearing in this matter, which took place on September 14, 2020, the Government further objected to the admission of the letters on the grounds of relevance. Tr. 41. The Government argued that in context, the letters related only to the sentencing of the Respondent in his criminal case and not to Respondent's prescribing practices or whether he could be entrusted with a DEA registration. Tr. 41–42. The ALJ ultimately overruled the Government's objections on both grounds of authenticity and relevance and admitted the letters into the record. Tr. 42–43.

The hearing in this matter took place via video teleconference on September 14, 2020. Following the hearing, both the Government and the Respondent filed their post-hearing briefs on October 21, 2020. On November 5, 2020, the ALJ issued the Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (hereinafter, RD). Neither party filed exceptions to the RD. *See generally* Transmittal Letter. I have reviewed and agree with the procedural rulings of the ALJ during the administration of the hearing.

Having considered the record in its entirety, I agree with the ALJ and find that that the record established by substantial evidence a *prima facie* case supporting the denial of Respondent's application. RD, at 37. I also agree with the ALJ that the Respondent failed to fully accept responsibility for his misconduct, failed to demonstrate that the Agency can entrust him to maintain his registration, and therefore, that denial of his application is the appropriate sanction. *Id.* I make the following findings of fact.

I. Findings of Fact

A. Respondent's Application for DEA Registration

Respondent previously held DEA registration No. BR8697940 as a practitioner authorized to handle controlled substances in Schedules II–V at the registered location of 2627B Hylan Blvd., Staten Island, NY 10306. RD, at 11 (Stipulation 1). Respondent's previous DEA registration expired by its terms on April 30, 2019. *Id.* On October 4, 2019, Respondent applied for a DEA registration, which was assigned Control No. W19115227C, in Schedules II–V at 4735 Hylan Blvd., Staten Island, New York 10312. GX 1, at 1; *see also* RD, at 12–13 (Stipulation 8).[1]

B. Respondent's Criminal Conviction

The evidence in the record demonstrates that on June 21, 2017, an Information was filed in the United States District Court for the District of New Jersey against Respondent. GX 3; RD, at 13. The Information charged that from October 2010 through April 2013, Respondent engaged in commercial bribery in violation of N.J.S.A. § 2C:21–10, 18 U.S.C. 1952(a)(3). *Id.* at 4. The Information charged that from October 2010 through April 2013, Biodiagnostic Laboratory Services, LLC (hereinafter, BLS), a clinical blood laboratory, paid Respondent and his brother bribes of approximately $175,000 in the aggregate to refer patient blood specimens to BLS. *Id.* at 1, 4–5; *see also* RD, at 12 (Stipulations 3–4). The Information charged that BLS used the patient blood specimens from Respondent to submit claims to Medicare, Tricare, and private insurers to collect approximately $250,000. *Id.* at 5. Further, the Information charged that between October 2010 and April 2013, ''in addition to cash payments'' BLS paid bribes to Respondent and his brother in the form of trips to strip clubs where ''BLS paid for women to perform lap dances on, and engage in sex acts with [Respondent] and [Respondent's brother].'' *Id.; see also* RD, at 12 (Stipulation 4). On June 21, 2017, Respondent pled guilty to the charge of Racketeering-Transporting in Aid of Travel Act-Acceptance of Bribes in violation of 18 U.S.C. 1952(a)(3) & 18 U.S.C. 2. GX 4, at 3. Respondent was found guilty on October 16, 2017. GX 4, at 3; *see also* RD, at 12 (Stipulation 2). Respondent was sentenced to serve 24 months in prison, pay a fine of $5,000, and forfeit $175,000. GX 3, at 7; GX 4, at 4, 8, and 9; *see also* RD, at 12 (Stipulation 5).

C. Respondent's Exclusion

Based on Respondent's conviction, on April 30, 2018, HHS/OIG excluded Respondent from participation in Medicare, Medicaid, and all federal health care programs for a minimum period of 10 years pursuant to 42 U.S.C. 1320a–7(a). GX 2, at 1; *see also* RD, at 12 (Stipulation 6).

D. Respondent's State Medical License

Respondent was authorized to practice medicine in the State of New York by issuance of license number 231555. GX 7, at 1. Following Respondent's guilty plea and conviction, Respondent's New York medical license was suspended during the period of his incarceration after a charge of professional misconduct was sustained. *Id.* Respondent's state medical license was to be reinstated on August 16, 2019, subject to probation for five years and other conditions. *Id.* According to the State of New York's online records, the status of Respondent's state medical license is currently listed as ''Registered.'' *http://www.op.nysed.gov/opsearches.htm* (last visited date of signature of this Order). Following his conviction, Respondent was also excluded from participation in the New York State Medicaid program, effective August 30, 2017. GX 5; *see also* RD, at 12 (Stipulation 7).

E. The Parties' Positions

1. Government's Position

The OSC's sole allegation is that Respondent's exclusion from federal health care programs pursuant to 42 U.S.C. 1320a –7(a) warrants denying his application under 21 U.S.C. 824(a)(5). OSC, at 2; Govt Prehearing. The Government alleges that Respondent's exclusion was based on his guilty plea to the charge of Racketeering-Transporting in Aid of Travel Act-Acceptance of Bribes, in violation of 18 U.S.C. 1952(a)(3) & 18 U.S.C. 2. *Id.* The Government further alleges that Respondent's exclusion from Medicare, Medicaid, and all federal health care programs warrants denial of his application notwithstanding the fact that the underlying conduct that led to his exclusion did not have a nexus to controlled substances. *Id.*

The Government's documentary evidence includes a copy of Respondent's application for DEA registration No. W19115227C as well as a copy of Respondent's exclusion letter from HHS/OIG. *See* GX 1 and 2. The Government's documentary evidence also includes a copy of the Information filed in the United States District Court for the District of New Jersey against Respondent and the Terms of Probation and Order of Judgment following Respondent's conviction. *See* GX 3 and 4. Finally, the Government's documentary evidence includes various New York State documents pertaining to Respondent's exclusion from the New York State Medicaid program, the status of Respondent's New York State medical license, and Respondent's disciplinary proceedings with the New York State Department of Health following his conviction. *See* GX 5–7.

The Government called one witness to testify at the hearing, a Group Supervisor (hereinafter, GS) who works for the DEA New York Field Division. The GS testified about her investigation-related actions, including obtaining the Government's documentary evidence and confirming that Respondent's exclusion from federal health care programs was still in effect. Tr. 16–30; *see also* RD, at 5–6. The GS also authenticated the Government's documentary evidence through her testimony. *Id.*

Having read and analyzed all of the record evidence, I agree with the RD that the GS was ''consistent, genuine and credible,'' in her testimony and that the GS ''effectively explained how the investigation of the Respondent began and how she verified the Respondent's exclusion from federal [health care] programs.'' RD, at 22. I also agree with the RD that although she was the Government's witness, there was ''no indication from her testimony that any partiality interfered with her reliable testimony.'' *Id.*

2. Respondent's Position

Respondent requested a hearing in response to the Government's OSC, asserting that although his medical license had been restored, without a DEA registration, he was not able to effectively practice. Request for a Hearing (hereinafter, Hearing Request).

The Respondent's documentary evidence includes a collection of support letters from patients, colleagues, family, and friends that had been previously submitted to the District of New Jersey as part of Respondent's sentencing submission during his criminal case. *See* RX 1. Respondent was the sole witness to testify for his case.

Respondent testified that he has a wife, three children, and an elderly mother with medical problems who lives with him and his family. Tr. 31–32. Respondent became involved with

[1] The parties stipulated that the application was submitted on October 7, 2019, based on the Government's prehearing statement, but it appears that the application submission date was a scrivener's error.

BLS when a friend, who was a pharmaceutical representative for another company, started working for BLS as a salesman. *Id.* at 53. Respondent's friend asked him if he would ''send business his way'' just as he was sending it to other laboratories. *Id.* at 54. Respondent was ''very financially pressed'' at the time and when his friend and BLS offered to help him with some of his bills, ''at that point, [he] accepted.'' *Id.* Respondent and his co-defendant, his brother, received a combined $175,000 from BLS. *Id.* at 60–61. The bribes were periodic monthly payments of approximately $2,000 to $3,000 and not based on specific referrals. *Id.* at 69–70. BLS also paid for Respondent and his brother to go to strip clubs and to receive lap dances. *Id.* at 61–62. Respondent received payments from approximately October or November 2010 until January or February 2013. *Id.* at 70–71.

Respondent testified that he never prescribed any medication that was not necessary, never performed any unnecessary tests, and was never charged with performing any unnecessary tests. *Id.* at 32–33. Further, he claimed that the Government did not lose any money because Respondent used BLS and the payments made to BLS were the same as would be made to any other laboratory. *Id.* at 33–34. Additionally, Respondent testified that BLS was a ''credible laboratory'' [2] that provided legitimate, accurate, and verified [3] results and never did any improper testing. *Id.* at 33. He stated that BLS results were consistent, BLS was faster than other laboratories, and BLS never charged the patients any copay. *Id.* at 54–55; *see also id.* at 33 (''their turnaround time was quicker than the other laboratories, which was also another reason why I used them, as well.''). Respondent testified that ''from a testing aspect and a laboratory aspect'' he was satisfied with BLS. *Id.* at 55. Respondent testified that ''no patients were harmed in any way'' and that his actions did not cost the patients any money. *Id.* at 59. Nonetheless, Respondent testified that his actions were not a victimless crime and that his patients were the victims. *Id.* at 60. Respondent admitted to pleading guilty to the charges against him and when prompted for an explanation, said he did not have an explanation for it. *Id.* at 32. Respondent stated, ''It was the wrong thing to do, it was a wrong decision on my part, and I regret it every day, to this day.'' *Id.*

Respondent was incarcerated and his medical license was suspended while he was incarcerated. *Id.* at 34. Respondent's medical license has since been restored subject to probation with a practice monitor for two years. *Id.* at 32. Respondent testified that even though his medical license was restored, without a DEA license, he cannot effectively practice. *Id.* at 48. Respondent testified that he was ''totally guilty'' and ''totally [took] responsibility for what [he] did.'' *Id.* Respondent testified that he made a very bad decision that negatively affected his life as well as his family and patients. *Id.* at 48–49. There was a hearing regarding Respondent's medical license and the hearing committee determined that Respondent's medical license should be suspended, not revoked. *Id.* at 34–37. The hearing committee made their recommendation based on Respondent's acknowledgement of his poor judgment, Respondent's personal statement expressing remorse, the testimony of other doctors, letters from patients, and Respondent's remedial efforts in lecturing about his misconduct. *Id.* at 37–38. Respondent also wrote a letter to the Department of Health and Human Services ''trying to find out, and to speak with the judge . . . as to why [he] would have a ten year exclusion being the fact that [his actions were] nothing having to do with [billing].'' *Id.* at 51. Respondent testified that he ''had no part of the billing at all with Medicare and Medicaid, or the TRICARE federal services'' and ''[a]ll [he] did was [he] accepted the bribes.'' *Id.* Respondent also requested if he could have a decrease in his mandatory restriction, but the ten-year restriction was upheld. *Id.* at 51–52.

Respondent testified that he suffered in prison because he was away from his family. *Id.* at 49. While he was in prison, he ''tried to stay proactive'' and read medical journals. *Id.* Since his release from prison, he has taken over 200 hours [4] in continuing medical education courses (CME), multiple courses and certifications in his field, medical ethics courses, and courses such as the DEA's opioid training program. *Id.* at 38–39. Respondent also mentioned that he had become a CPR instructor and performed CPR classes. *Id.* at 39. Respondent also spoke to the Medical Society of Staten Island and to the residents at Richmond University Medical Center to explain what he had done and to deter them from making the same mistake. *Id.* at 47. Respondent testified that he had destroyed his life, embarrassed himself and his family, and become an embarrassment to his patients, community and church. *Id.* He explained that he ''just became very proactive because [he] wanted [his] medical license.'' *Id.* Respondent testified that he paid back all his debts to society from his forfeiture, fines, prison, and supervised release. *Id.* at 50. Respondent testified that medicine is ''the only thing [he knows] how to do'' and ''the only thing [he wants] to do.'' *Id.* at 49. Respondent testified that he wants to get back to practicing medicine and become a good member of society again. *Id.* at 49–50.

Respondent stated that while previously working in obstetrics and gynecology, he did not prescribe oxycodone or opioids to patients and the most he ever prescribed was Tylenol with Codeine after delivery or a caesarian section.[5] *Id.* at 64. Respondent testified that he ''never really prescribed any controlled substances unless [he] had to.'' *Id.* Respondent currently has an aesthetics practice where ''[he] will be doing injectables, fillers, hormone therapy, and weight loss treatment'' and that it is the type of practice he intends to maintain. *Id.* at 52. Respondent testified that he would need Schedules II–V for his practice. *Id.* at 53. Finally, Respondent testified that the majority of the support letters that had been submitted during his criminal case had been sent directly to his attorney. *Id.* at 58–59. Respondent had spoken to patients and asked them if they would write character letters for him as well as provided his attorney's email for them to send the letters directly. *Id.* at 59.

Having read and analyzed all of the record evidence, I agree with the RD that Respondent was candid in discussing the details of his misconduct as well as the remedial efforts that he made following his conviction. RD, at 22–23. However, I also agree with the RD that Respondent's conflicting statements, particularly those regarding his characterization of BLS as a ''credible'' laboratory and his initial claim that he had verified all of the results from BLS, as well as the defensive bend to much of his testimony, reduce his credibility and the

[2] When prompted later during cross examination, Respondent clarified that he had meant that BLS was a ''credible'' laboratory in terms of their work, not in terms of their behavior. *Id.* at 53–55.

[3] Respondent initially testified that he had verified all of the results from all of the patients that he sent to BLS, approximately 500 patients. *Id.* at 55–56. When prompted for clarification, however, Respondent admitted that he did not actually verify every single patient that he had sent to BLS. *Id.* at 56–57.

[4] Respondent initially testified that he had taken over 200 ''courses'' but later clarified that he had meant 200 hours of courses. *Id.* at 38, 64.

[5] This was the only testimony Respondent gave pertaining to his work in obstetrics and gynecology.

weight the decision gives to his testimony. *Id.* at 23–24; Tr. 33 and 53–57.

II. Discussion

A. Government's Position

In its Proposed Findings of Fact and Conclusions of Law (hereinafter, Government's Post-Hearing Brief), the Government argues that ''[m]andatory exclusion pursuant to 42 U.S.C. 1320a–7(a) is a basis to revoke a DEA registration under 21 U.S.C. 824(a)(5)'' and that ''notwithstanding the fact that the underlying conduct for which Respondent was convicted had no nexus to controlled substances, Respondent's mandatory exclusion from Medicare, Medicaid and all Federal health care programs by HHS/OIG warrants revocation of his registration pursuant to 21 U.S.C. 824(a)(5).'' Government's Post-Hearing Brief, at 9. Additionally, the Government argues that Respondent's continued registration would be contrary to the public interest, specifically under factor five of 21 U.S.C. 823(f), ''such other conduct which may threaten the public health and safety.'' *Id.* at 10–11. Further, the Government argues that ''[Respondent's] crimes were not wholly unrelated to his practice as a practitioner'' and that ''[his] behavior [evinced] a severe lack of ethical judgment that, had it occurred in a clinical context, could have resulted in diversion or an adverse impact on patient care.'' *Id.* Finally, the Government expresses doubts as to Respondent's acceptance of responsibility for his actions and emphasizes the deterrent effects of revoking Respondent's registration. *Id.* at 12–13.

B. Respondent's Position

In Respondent's Post-Hearing Brief, Respondent highlighted the Determination and Order of the Hearing Committee on [New York State] Department of Health, State Board for Professional Medical Conduct (hereinafter, Hearing Board) that rejected revocation of Respondent's medical license and instead suspended Respondent's license. Respondent's Post-Hearing Brief, at 3. Respondent alleged that the Hearing Board based its judgment on ''Respondent's acknowledgement of his poor judgment in accepting bribes, his remorse for his criminal conduct, and the testimony of two doctors and patients' letters.'' *Id.* Respondent also highlighted how he had ''lectured to physician residents . . . about his misdeeds'' and that ''since [his] release from prison, [he had] taken over 200 hours of CME courses'' including DEA's opioid training program. *Id.* Further, Respondent argued that he was ''a true follower of the Hippocratic Oath'' and provided letters from patients, colleagues, family, and friends to ''[demonstrate] the type of care [he] provided to his patients and how they reflect his following the Hippocratic Oath.'' *Id.* at 3–4. In concluding his Post-Hearing Brief, Respondent emphasized that he had broken the law, made a mistake, and ''paid dearly for it.'' *Id.* at 6. Respondent also reiterated that without a DEA license, he would no longer be able to practice medicine and earn a living as a doctor. *Id.*

C. Analysis of Respondent's Application for Registration

In this matter, the OSC calls for my adjudication of the application for registration based on the charge that Respondent was excluded from participation in a program pursuant to section 1320a–7(a) of Title 42, which is a basis for revocation or suspension under 21 U.S.C. 824(a)(2). OSC, at 1–2. The Government did not allege that Respondent's applications should be denied because his registration would be inconsistent with the public interest pursuant to section 823 in the OSC and did not advance any arguments or present any evidence under the public interest factors in its prehearing statement. *See generally* Govt Prehearing; OSC. The Government raised the public interest factors in its Post-hearing Brief; however, I find that they are unavailable as a basis of sanction due to the late stage at which they were raised. *See Robert Wayne Locklear, M.D.,* 85 FR 33738, 33745 (2021). Accordingly, the OSC's specific substantive basis for proposing the denial of Registrant's registration application is his mandatory exclusion under 21 U.S.C. 824(a)(5).

Prior Agency decisions have addressed whether it is appropriate to consider a provision of 21 U.S.C. 824(a) when determining whether or not to grant a practitioner registration application. For over forty-five years, Agency decisions have concluded that it is. *Robert Wayne Locklear, M.D.,* 86 FR 33744–45 (collecting cases); *see also, William Ralph Kincaid,* In the recent decision *Robert Wayne Locklear, M.D.,* the former Acting Administrator stated his agreement with the results of these past decisions and reaffirmed that a provision of section 824 may be the basis for the denial of a practitioner registration application. 86 FR 33745. He also clarified that allegations related to section 823 remain relevant to the adjudication of a practitioner registration application when a provision of section 824 is involved. *Id.*

Accordingly, when considering an application for a registration, I will consider any actionable allegations related to the grounds for denial of an application under 823 and will also consider any allegations that the applicant meets one of the five grounds for revocation or suspension of a registration under section 824. *Id. See also Dinorah Drug Store, Inc.,* 61 FR 15972, 15973–74 (1996).

1. 21 U.S.C. 823(f): The Five Public Interest Factors

Under Section 304 of the Controlled Substances Act, ''[a] registration . . . to . . . dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under section 823 of this title inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). In the case of a ''practitioner,'' defined in 21 U.S.C. 802(21) to include a ''physician,'' Congress directed the Attorney General to consider the following factors in making the public interest determination:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety. 21 U.S.C. 823(f).

In this case, it is undisputed that Respondent holds a valid state medical license and is authorized to dispense controlled substances in the State of New York where he practices. RD, at 13; *see also* GX 1.

Because the Government has not timely alleged that Respondent's registration is inconsistent with the public interest under section 823, I will not deny Respondent's application based on section 823, and although I have considered 823, I will not analyze Respondent's application under the public interest factors. Therefore, in accordance with prior agency decisions, I will move to assess whether the Government has proven by substantial evidence that a ground for revocation

exists under 21 U.S.C. 824(a). *Supra* II.C.

2. 21 U.S.C. 824(a)(5): Mandatory Exclusion From Federal Health Care Programs Pursuant to 42 U.S.C. 1320a–7(a)

Under Section 824(a) of the Controlled Substances Act (hereinafter, CSA), a registration ''may be suspended or revoked'' upon a finding of one or more of five grounds. 21 U.S.C. 824. The ground in 21 U.S.C. 824(a)(5) requires that the registrant ''has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a–7(a) of Title 42.'' *Id.* Here, there is no dispute in the record that Registrant is mandatorily excluded from federal health care programs under 42 U.S.C. 1320a–7(a). The Government has presented substantial evidence of Respondent's exclusion and the underlying criminal conviction that led to that exclusion, and Respondent has admitted to the same. GX 2, at 1; GX 4, at 3; Respondent's Post-Hearing Brief, at 2. Accordingly, I will sustain the Government's allegation that Respondent has been excluded from participation in a program pursuant to section 1320a–7(a) of Title 42 and find that the Government has established that a ground exists upon which a registration could be revoked pursuant to 21 U.S.C. 824(a)(5).[6] Although the language of 21 U.S.C. 824(a)(5) discusses suspension and revocation of a registration, for the reasons discussed above, it may also serve as the basis for the denial of a DEA registration application. *Dinorah Drug Store, Inc.,* 61 FR 15973 (interpreting 21 U.S.C. 824(a)(5) to serve as a basis for the denial of a registration because it ''makes little sense . . . to grant the application for registration, only to possibly turn around and propose to revoke or suspend that registration based on the registrant's exclusion from a Medicare program''). Respondent's exclusion from participation in a program under 42 U.S.C. 1320a–7(a), therefore, serves as an independent basis for denying his application for DEA registration. 21 U.S.C. 824(a)(5).

Here, there is no dispute in the record that Respondent is mandatorily excluded pursuant to Section 1320a–7(a) of Title 42 and, therefore, that a ground for the revocation or suspension of Registrant's registration exists. 21 U.S.C. 824(a)(5).

Where, as here, the Government has met its *prima facie* burden of showing that a ground for revocation exists, the burden shifts to the Respondent to show why he can be entrusted with a registration. *See Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019).

III. Sanction

The Government has established grounds to deny a registration; therefore, I will review any evidence and argument the Respondent submitted to determine whether or not the Respondent has presented ''sufficient mitigating evidence to assure the Administrator that [he] can be trusted with the responsibility carried by such a registration.'' *Samuel S. Jackson, D.D.S.,* 72 FR 23848, 23853 (2007) (quoting *Leo R. Miller, M.D.,* 53 FR 21931, 21932 (1988)). '''Moreover, because ''past performance is the best predictor of future performance,'' *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995), [the Agency] has repeatedly held that where a registrant has committed acts inconsistent with the public interest, the registrant must accept responsibility for [the registrant's] actions and demonstrate that [registrant] will not engage in future misconduct.''' *Jayam Krishna-Iyer,* 74 FR 459, 463 (2009) (quoting *Medicine Shoppe,* 73 FR 364, 387 (2008)); *see also Samuel S. Jackson, D.D.S.,* 72 FR 23853; *John H. Kennnedy,* M.D., 71 FR 35705, 35709 (2006); *Prince George Daniels, D.D.S.,* 60 FR 62884, 62887 (1995). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent; therefore, the Agency looks at factors, such as the acceptance of responsibility and the credibility of that acceptance as it relates to the probability of repeat violations or behavior and the nature of the misconduct that forms the basis for sanction, while also considering the Agency's interest in deterring similar acts. *See Arvinder Singh, M.D.,* 81 FR 8247, 8248 (2016).

A. Acceptance of Responsibility

In evaluating the degree required of a respondent's acceptance of responsibility to entrust him with a registration, in *Mohammed Asgar, M.D.,* the Agency looked for ''unequivocal acceptance of responsibility when a respondent has committed knowing or intentional misconduct.'' 83 FR 29569, 29572 (2018) (citing *Lon F. Alexander, M.D.,* 82 FR 49704, 49728). Here, Respondent has not alleged that he committed the misconduct in question unknowingly or unintentionally. I will, therefore, look for a clear acceptance of responsibility from Respondent.

Respondent is clearly remorseful for his conduct, testifying that it was ''the wrong thing to do'' and that he ''regret[s] it every day, to this day.'' Tr. 32. However, remorse and acceptance of responsibility are not the same thing, and I agree with the ALJ's conclusion that Respondent's consistent focus on his own suffering does not suggest an unequivocal acceptance of responsibility, but rather, suggests regret for the negative consequences that he has personally faced. RD, at 34. As the ALJ found, ''Respondent was more remorseful of the impact that his decisions had on his own life, rather than the effects his actions posed to his patients.'' *Id.* Additionally, I, too, am ''not convinced that [Respondent] would not take part in such a scheme in the future, if the monetary need were to arise.'' *Id.* at 36. Throughout his testimony, Respondent highlighted his own suffering above all else, emphasizing that he had ''destroyed [his] whole life'' and lamenting how he had ''embarrassed [himself], [his] family, [and] became an embarrassment to [his] patients, to [his] community, [and] to [his] church . . . .'' Tr. 47. Though Respondent did acknowledge that his actions had affected his patients, his testimony quickly shifted focus to what he had personally suffered, particularly that he had gone to prison ''away from [his] family, [and] [his] young children, for two years.'' *Id.* at 49. Even when Respondent stated that his actions were not ''a victimless crime'' and that ''[his] patients were the victims'' his explanation for *why* his patients were victims was that ''[t]hey lost [him], [he] lost them.''[7] *Id.* at 60. Further, according to Respondent's testimony, when Respondent spoke to

[6] The Government correctly argues, and Respondent did not rebut, that the underlying conviction forming the basis for a registrant's mandatory exclusion from participation in federal health care programs need not involve controlled substances to provide the grounds for revocation or denial pursuant to section 824(a)(5). *Jeffrey Stein, M.D.,* 84 FR 46968, 46971–72 (2019); *see also Narciso Reyes, M.D.,* 83 FR 61,678, 61,681 (2018); *KK Pharmacy,* 64 FR 49507, 49510 (1999) (collecting cases); *Melvin N. Seglin, M.D.,* 63 FR 70,431, 70,433 (1998); *Stanley Dubin, D.D.S.,* 61 FR 60727, 60728 (1996).

[7] I also find it troubling that Respondent has clearly not attempted to fully understand the impact of his actions on others. His naïve belief that his patients were only victims because they lost him demonstrates that he has failed to even question whether there were greater impacts on his patients, potentially related to insurance claims or increases in pricing, or impacts on the laboratories that were legitimately conducting their business. I weigh Respondent's inability to perceive the full impact of his wrongdoing against a finding that Respondent has accepted responsibility. *See Robert Wayne Locklear, M.D.,* 86 FR 33738, 33747 (2021) (finding it ''significant in evaluating [the applicant's] acceptance of responsibility that he did not seem to be aware of the full extent of the harm that he caused.'').

the Medical Society of Staten Island and to the resident physicians at the Richmond University Medical Center, he ''tried to deter them from it, not to make [the same] mistake because . . . [he] destroyed his whole life.'' *Id.* at 47.

Additionally, there are points of Respondent's testimony and actions in the record that suggest attempts to downplay his mistakes, further demonstrating a lack of clear acceptance of responsibility and a lack of full appreciation for the severity of his misconduct. As the ALJ found, I too find it particularly alarming that despite everything that has happened, Respondent testified at the hearing that BLS was a ''credible laboratory, actually'' and did not clarify his characterization until later prompted to do so. *Id.* at 33, 53–55. I am also troubled by the letter that Respondent wrote to the Department of Health and Human Services in which, according to his testimony, he had questioned his ten-year exclusion and requested a decrease (which was ultimately rejected) because his misconduct had nothing to do with billing and ''all [he] did was [he] accepted the bribes.'' *Id.* at 51–52. On direct examination, Respondent defended his characterization of BLS as a ''credible laboratory'' and claimed ''[t]hey never had any issues with performing the laboratory tests or [for] obtaining results. They were legitimate results, they were accurate results, and they were verified,[8] as well. They never did any improper testing. Their turnaround time was quicker than the other laboratories, which was also another reason why [he] used them, as well.'' *Id.* at 33. As the ALJ noted, ''[Respondent's] consistent bolstering of [BLS's] credentials tends to serve as a validation of his behavior.'' RD, at 36. Regarding himself, Respondent emphasized that he never prescribed unnecessary medication, never performed any unnecessary tests, was never charged with performing any unnecessary tests, that the government did not lose any money because of him, and that the payments made to BLS were not any higher than they would be to another laboratory. *Id.* at 32–34. Overall, Respondent's focus on himself and his minimization of his wrongdoings suggests that he has not unequivocally accepted responsibility for his actions and the harm that he caused. *See Stein,* 84 FR 46972 (finding that a registrant's attempts to minimize his misconduct weigh against a finding of unequivocal acceptance of responsibility).

Even if Respondent's acceptance of responsibility for his wrongdoing had been sufficient such that I would reach the matter of remedial measures, Respondent has not offered adequate remedial measures to assure me that I can entrust him with a registration. *See Carol Hippenmeyer, M.D.,* 86 FR 33748, 33773 (2021). While in prison, he kept up with medical journals, has taken a wide variety of courses—including over 200 hours in continuing medical educations courses (CME) [9]—has become a CPR instructor, has taken certifications in ''areas of medicine that [he wants] to practice,'' and after his release, he spoke to the Medical Society of Staten Island and to the residents at Richmond University Medical Center about his crime.[10] *Id.* at 38–39, 49, and 64. In concluding his testimony regarding his remediation efforts, Respondent said, ''[medicine is] the only thing I know how to do, it's the only thing I want to do, and it's my passion . . . I just want to get back to practicing medicine, and get back to society.'' *Id.* at 49. From Respondent's testimony, it seems that the purpose of his remediation efforts was not as much about righting his wrongs and deterring others from similar acts as it was about saving Respondent's career. In fact, he even admitted to as much when he stated that after his release from prison, he ''just became very proactive because [he] wanted [his] medical license.'' *Id.* at 47. Accordingly, I find that, again, Respondent's consistent focus on how his own life has been impacted by his misconduct does not suggest that he can be entrusted with a DEA registration.

B. Specific and General Deterrence

In addition to acceptance of responsibility, the Agency gives consideration to both specific and general deterrence when determining an appropriate sanction. *Daniel A. Glick, D.D.S.,* 80 FR 74800, 74810 (2015). Specific deterrence is the DEA's interest in ensuring that a registrant complies with the laws and regulations governing controlled substances in the future. *Id.* General deterrence concerns the DEA's responsibility to deter conduct similar to the proven allegations against the respondent for the protection of the public at large. *Id.* Where a respondent has committed a crime with no nexus to controlled substances, it is sometimes difficult to demonstrate that a sanction will have a useful deterrent effect. In this case, I believe a sanction of denial of the application would deter Respondent and the general registrant community from unethical behavior and deceit, particularly involving the acceptance of money for unlawful and unethical acts. It is not difficult to imagine, as the Agency has repeatedly encountered, this situation repeating itself in the context of receiving money for controlled substance prescriptions. ''Deterring such deceit and knowing criminal behavior both in Respondent and the general registrant community is relevant to ensuring compliance with the CSA.'' *Ibrahim Al-Qawaqneh, D.D.S.,* 86 FR 10354, 10357 (2021).

C. Egregiousness

The Agency also looks to the egregiousness and the extent of the misconduct as significant factors in determining the appropriate sanction. *Garrett Howard Smith, M.D.,* 83 FR 18910 (collecting cases). In this case, Respondent knew that his arrangement with BLS was wrong but accepted the arrangement anyway and kept it going for a long period of time because, ''at that time, he was financially pressed.'' Tr. at 54. The arrangement was a blatant kick back scheme involving substantial monetary payments.[11] In addition, the

[8] As the ALJ noted, Respondent initially claimed that he verified all of the BLS lab results, but then conceded that he had not actually verified the results of every single patient he sent to BLS. *Id.* at 55–58.

[9] Though Respondent testified to completing CME courses, he did not provide evidence to the record confirming the completion of the courses.

[10] I commend Respondent on his attempts to have a deterrent effect on his colleagues and community. In *Martinho,* the former Acting Administrator considered this type of engagement in determining that a respondent who had been excluded from federal healthcare programs for accepting similar kickbacks for laboratory referrals could be entrusted with a registration; however, the facts of *Martinho* are very distinct from the facts on the present record. *Michele L. Martinho, M.D.,* 86 FR 24012, 24019 (2021). The respondent in that case had dedicated herself to self-described ''restorative justice'' well beyond what was required by her probation—engaging in sixty-nine speaking engagements, which were featured in major news outlets. *Id.* Although her misconduct occurred for a similar amount of time and money, HHS penalized her with the minimum timeframe for exclusion, she engaged in a methodological survey to verify for her own conscience that she did not increase her blood draws and did not overstate that survey's value, she admitted that the lab had created insurance problems for her patients and tried to correct it, and importantly, she also fully, sincerely and credibly accepted responsibility for her actions, such that the prosecutor at her criminal sentencing stated that she '''had demonstrated a level of contrition that has been unique among the many, many doctors that we've dealt with in this case.' '' *Id.*

[11] Also, I am concerned about repeat behavior in this case because the wrongdoing appears to be influenced by social interactions. The fact that Respondent was first approached about the bribes by a ''friend of [his and his brother's],'' Tr. 53, participated in the arrangement with his brother, and they all engaged in social activities together during which payments were received, does not inspire confidence that Respondent will take his responsibility to his patients and his ethical obligations seriously in the future.

arrangement was both periodic and ongoing for multiple years, giving Respondent plenty of opportunity to correct course, but there is nothing in the record to indicate that he had any intention of ending the arrangement. After receiving 2 to 3 thousand dollars per month, *Id.* at 70, there must have been a point at which he was no longer ''financially pressed,'' and yet he continued.

Furthermore, the exclusion letter notes that HHS/OIG deemed Respondent's criminal misconduct egregious enough to warrant an exclusion period in excess of the statutory minimum. GX 2, at 2. The exclusion letter explains that HHS/OIG excluded Respondent for ten years instead of the statutory minimum of five years because (1) Respondent's misconduct caused or was intended to cause financial loss of more than $50,000 to a government agency or program; (2) Respondent committed the misconduct over a period of at least a year; and (3) Respondent's sentence included incarceration. *Id. See Michael Jones, M.D.,* 86 FR 20728, 20732 (2021) (considering the length of the HHS exclusion in assessing egregiousness).

D. Letters of Support

My final item of consideration is the collection of eighteen letters that Respondent submitted from patients, colleagues, friends, and family to demonstrate his high level of care as a physician and his commitment to the Hippocratic Oath. Respondent's Post-Hearing Brief, at 3–4;RX 1. Although I find the letters to be sincere, they can only be of limited weight in this proceeding because of the limited ability to assess the credibility of the letters given their written form. *See Michael S. Moore, M.D.,* 76 FR 45867, 45873 (2011) (evaluating the weight to be attached to letters provided by the respondent's hospital administrators and peers in light of the fact that the authors were not subjected to the rigors of cross examination). Furthermore, these letters were not written for the purposes of recommending that Respondent be granted a controlled substances registration and therefore offer little value in assessing the Respondent's suitability to discharge the duties of a DEA registrant. *William Ralph Kinkaid, M.D.,* 86 FR 40636, 40641 (2021). Instead, Respondent's letters were used by his criminal defense counsel prior to his sentencing, with most of the letters dated back to 2017. RX 1;Tr. 41. Additionally, almost all of the letters are unsigned, four are undated, and none of the letters are addressed to anyone at DEA. RX 1.

Finally, because Respondent has not demonstrated an unequivocal acceptance of responsibility, any value that the letters may have offered in evaluating my ability to trust Respondent with a DEA registration is nullified by the fact that he, himself, has not shown that he can be so entrusted. *Kinkaid, M.D.,* 86 FR 40641.

As discussed above, to receive a registration when grounds for denial exist, a respondent must convince the Administrator that his acceptance of responsibility is sufficiently credible to demonstrate that the misconduct will not occur and that he can be entrusted with a registration. Having reviewed the record in its entirety, I find that Respondent has not met this burden. Although Respondent expressed remorse and took some responsibility for his actions through his guilty plea and his efforts at remediation, his acceptance of responsibility was not unequivocal. Respondent's consistent focus on his own suffering and his minimization of his wrongdoings both raise concerns that he does not truly understand the severity of his misconduct. Further, Respondent's remediation efforts, though genuine, suggest to me that Respondent views the negative consequences he has faced as obstacles to overcome in restoring his career rather than the result of a serious lapse in ethics that calls for self-reflection. As such, I am not convinced that Respondent would not commit similar misconduct again in the future if he believed that it would not result in negative consequences, if he found himself in difficult financial times, or if he was persuaded by a friend or family member. Accordingly, I will order the denial of Respondent's application for a certificate of registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823, I hereby order that the pending application for a Certificate of Registration, Control Number W19115227C, submitted by Nicholas P. Roussis, M.D., is denied. This Order is effective November 26, 2021.

Anne Milgram,

Administrator.

[FR Doc. 2021–23263 Filed 10–25–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Maura Tuso, D.M.D.' Decision and Order

I. Procedural Background

On August 20, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Maura Tuso, D.M.D. (hereinafter, Applicant) of San Diego, California. OSC, at 1. The OSC proposed the denial of Applicant's application for DEA Certificate of Registration, Application Control No. W18011889C, because Applicant has ''been convicted of a felony relating to controlled substances and because [she has] committed acts which render [her] registration inconsistent with the public interest.'' *Id.* (citing 21 U.S.C. 824(a)(2) & (a)(4)).

Specifically, the OSC alleged that on August 25, 2015, Applicant entered a guilty plea to ''four felony counts related to unlawfully issuing controlled substance prescriptions in violation of California Health and Safety Code Section 11153(a), and related counts of conspiracy, prescription fraud, and insurance fraud. This guilty plea was accepted in the Superior Court of California, County of San Diego, as part of the Court's Finding and Order.'' *Id.* at 2.

The OSC also alleged that, ''[p]ursuant to a July 6, 2016 Stipulated Settlement and Disciplinary Order between [Applicant] and the Dental Board of California (the ''Board''), which was effective on September 16, 2016, [Applicant was] ordered to surrender a DEA Registration which [she] previously held and ordered not to reapply for a new DEA Registration without approval from the Board.'' *Id.*

Further, the OSC stated that, ''[o]n April 12, 2018 and April 13, 2018, the [DEA San Diego Field Division (hereinafter, SDFD)] attempted to provide'' Applicant with a proposed Memorandum of Agreement with conditions in order to grant her application. *Id.* During Applicant's visits to the SDFD, the OSC alleged that she used ''vulgar language and obscenities in an uncivilized display.'' *Id.*

The OSC continued to allege that since this encounter, Applicant has ''engaged in a pattern of sending many dozens of emails to various DEA personnel, including emails of a harassing nature.'' *Id.* It alleged that Applicant's actions constitute ''conduct

which may threaten the public health and safety within the meaning of 21 U.S.C. 823(f)(5) and [ ] acts that render [her] registration inconsistent with the public interest within the meaning of 21 U.S.C. 824(a)(4).'' *Id.*

The OSC notified Applicant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* at 4 (citing 21 CFR 1301.43). The OSC also notified Applicant of the opportunity to submit a corrective action plan. OSC, at 4–5 (citing 21 U.S.C. 824(c)(2)(C)).

On October 2, 2018, Applicant, represented by counsel, filed a timely request for hearing, in which she disputed the allegations. Request for Final Agency Action (hereinafter, RFAA) Exhibit (hereinafter, RFAAX) 3. However, on October 25, 2018, Applicant withdrew her request for hearing. RFAAX 5. The Administrative Law Judge thereby entered an Order Terminating Proceedings on October 25, 2018. RFAAX 6.

The Government forwarded its RFAA, along with the evidentiary record, to this office on April 1, 2020. The Government requests denial of Applicant's application for a DEA Certificate of Registration, ''because of her previous state felony conviction related to controlled substances.'' [1] [2] *Id.* at 5.

I find that Applicant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

II. Findings of Fact

A. Applicant's DEA Application

On February 8, 2018, Applicant submitted an application (Application Control No. W18011889C) for a DEA Certificate of Registration, at the proposed registered location of 4177 West Point Loma Blvd., San Diego, CA 92110, for the business activity of practitioner in drug schedule V. RFAAX 1 (Certification of Nonregistration), at 1. The application is in ''a new pending status.'' *Id.*

B. Applicant's Conviction

On August 25, 2015, Applicant [3] entered a guilty plea to one felony count related to unlawfully issuing controlled substance prescriptions in violation of California Health and Safety Code Section 11153(a), and one related count for obtaining a prescription by fraud under California Health and Safety Code Section 11173(a), and two other felony counts for conspiracy and insurance fraud related to the prescriptions. RFAAX 8, at 12–14.

On August 25, 2015, the Superior Court of California, County of San Diego (the ''state court'') accepted Applicant's guilty plea. *Id.* at 12–14. In her guilty plea, Applicant admitted that she ''knowingly and unlawfully obtained prescriptions for controlled substances . . . for reasons other than a medical purpose.'' *Id.* at 14.

In its Finding and Order, the state court held, it ''accepts the defendant's plea and admissions, and the defendant is convicted thereby.'' *Id.* On September 23, 2015, the state court ordered Applicant to receive five years of probation. *Id.* at 17–19. On October 2, 2017, the state court reduced the four felony counts to misdemeanors and ordered summary probation. *Id.* at 20–21.

III. Discussion

A. Analysis of Applicant's Application for Registration

In this matter, the Government calls for my adjudication of the application for registration based on the charge that Applicant was convicted of a felony related to controlled substances, which is a basis for revocation or suspension under 21 U.S.C. 824(a)(2). OSC, at 1–2. The Government dropped the allegation that Applicant's application should be denied because her registration would be inconsistent with the public interest pursuant to section 823 in the OSC and did not advance any arguments or present any evidence under the public interest factors in its RFAA. *See supra* n.1. Accordingly, the remaining actionable substantive basis for proposing the denial of applicant's registration application is her felony conviction under 21 U.S.C. 824(a)(2).

Prior Agency decisions have addressed whether it is appropriate to consider a provision of 21 U.S.C. 824(a) when determining whether or not to grant a practitioner registration application. For over forty-five years, Agency decisions have concluded that it is. *Robert Wayne Locklear, M.D.,* 86 FR 33744–45 (collecting cases). In the recent decision *Robert Wayne Locklear, M.D.,* the former Acting Administrator stated his agreement with the results of these past decisions and reaffirmed that a provision of section 824 may be the basis for the denial of a practitioner registration application. 86 FR 33745. He also clarified that allegations related to section 823 remain relevant to the adjudication of a practitioner registration application when a provision of section 824 is involved. *Id.*

Accordingly, when considering an application for a registration, I will consider any actionable allegations related to the grounds for denial of an application under 823 and will also consider any allegations that the applicant meets one of the five grounds for revocation or suspension of a registration under section 824. *Id.; see also Dinorah Drug Store, Inc.,* 61 FR 15972, 15973–74 (1996).

1. 21 U.S.C. 823(f): The Five Public Interest Factors

Under Section 304 of the Controlled Substances Act, ''[a] registration . . . to . . . dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under section 823 of this title inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). Because the Government has not alleged that Applicant's registration is inconsistent with the public interest under section 823, I will not deny Applicant's application based on section 823, and although I have considered 823, I will not analyze Applicant's application under the public interest factors. Therefore, in accordance with prior agency decisions, I will move to assess whether the Government has proven by substantial evidence that a ground for revocation exists under 21 U.S.C. 824(a). *Supra* II.C.

[1] It is noted that the Government no longer requests denial of Applicant's DEA application based on the allegation in the OSC that her registration would be inconsistent with the public interest; therefore, I will not assess the allegations in the OSC related to the public interest grounds.

[2] In the RFAA, the Government also argued for revocation based on a ground that does not appear in the OSC—that the Applicant currently lacks a dental license in California, the state in which she is applying for a DEA registration, and that her application is thus also subject to denial pursuant to 21 U.S.C. 824(a)(3). Although state authority is a prerequisite to holding (or having) a DEA registration, *see* 21 U.S.C. 823, I see no evidence in the record that Applicant was notified of this additional charge and I am declining to consider it at this time. *See Shelton Barnes, M.D.,* 85 FR 5983 n.3 (2020).

[3] There is substantial record evidence to support a finding that Maura Cathleen O'Neill is the same person as Maura Tuso. The Government's Certification of Non Registration for Maura Tuso lists previous registrations ''assigned to Maura Tuso under the name of Maura C O'Neill DMD.'' RFAAX 1, at 2; *see also,* RFAAX 7a & b (Dental Board of California records naming Maura Tuso as an alias for Maura O'Neill). Therefore, I find that the substantial record evidence demonstrates that the conviction in RFAAX 8 for Maura O'Neill applies to Applicant.

2. Applicant's Felony Conviction

Pursuant to section 304(a)(2) of the CSA, the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States, or of any State, relating to any substance defined in this subchapter as a controlled substance or a list I chemical.'' 21 U.S.C. 824(a)(2); *see also Edward A. Ridgill, M.D.,* 83 FR 58599, 58600 (2018) (denying application based on conviction under 21 U.S.C. 841 for unlawful prescribing of controlled substances). Each subsection of Section 824(a) provides an independent ground to impose a sanction. *Arnold E. Feldman, M.D.,* 82 FR 39614, 39617 (2017).

Here, there is no dispute in the record that Applicant was convicted of felony counts related to unlawfully issuing controlled substance prescriptions in violation of California Health and Safety Code Section 11153(a), prescription fraud under California Health and Safety Code Section 11173(a), and related felony counts of conspiracy and insurance fraud. *See* RFAAX 8. Two of these state statutes specifically address controlled substance prescriptions and the underlying facts of the fraud and conspiracy counts were related to Applicant's unlawful prescribing and obtaining of controlled substances. *See* Cal. Health & Safety Code § 11153(a) (''A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.''); Cal. Health & Safety Code § 11173(a) (''No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances . . . by fraud, deceit, misrepresentation, or subterfuge''). Therefore, I find that these provisions constitute state laws ''relating to'' controlled substances, as those terms are defined in 21 U.S.C. 824(a)(2). *See Uvienome Linda Sakor, N.P.,* 86 FR 50173, 50178 (2021).

Although the Government has noted in its RFAA that two years after Applicant's conviction, the state court reduced the four felony counts to misdemeanors and ordered summary probation, *see* RFAAX 8, at 20 and RFAA, at 6, the Agency established over thirty years ago, and has recently reiterated, that a deferred adjudication is ''still a 'conviction' within the meaning of the . . . [CSA] even if the proceedings are later dismissed.'' *Kimberly Maloney, N.P.,* 76 FR 60922, 60922 (2011). In reaching this conclusion, the Agency explained that, ''[a]ny other interpretation would mean that the conviction could only be considered between its date and the date of its subsequent dismissal.'' *Id.* (citing *Edson W. Redard, M.D.,* 65 FR 30616, 30618 (2000)); *see also Erica N. Grant, M.D.,* 40,641, 40,650 (2021). Thus, in accordance with prior agency decisions, I find that the subsequent reduction of Applicant's charges, much like a subsequent deferral or dismissal, does not affect my finding that she was convicted of a felony related to controlled substances for purposes of 21 U.S.C. 824(a)(2).

Although the language of 21 U.S.C. 824(a)(2) discusses suspension and revocation of a registration, for the reasons discussed above in *supra* III.A, it may also serve as the basis for the denial of a DEA registration application. Applicant's felony conviction, therefore, serves as an independent basis for denying her application for a DEA registration. 21 U.S.C. 824(a)(2).

IV. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that a ground for revocation exists, the burden shifts to the Applicant to show why she can be entrusted with a registration. *See Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019). Applicant, as already discussed, waived her right to a hearing and failed to submit a written statement. *See* RFAA, at 6. Therefore, among other things, Applicant has not accepted responsibility for her criminality, shown any remorse for it, or provided any assurance that she would not repeat it. *See Jeffrey Stein, M.D.,* 84 FR 46972–74. Such silence weighs against granting the Applicant's registration. *Zvi H. Perper, M.D.,* 77 FR 64131, 64142 (2012) (citing *Medicine Shoppe-Jonesborough,* 73 FR 264, 387 (2008); *Samuel S. Jackson,* 72 FR 23848, 23853 (2007)); *see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F3d. 823, 831 (11th Cir. 2018) (''An agency rationally may conclude that past performance is the best predictor of future performance.'' (quoting *Alra Laboratories, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995))).

Further, the CSA authorizes the Attorney General to ''promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this subchapter.'' 21 U.S.C. 871(b). This authority specifically relates ''to 'registration' and 'control,' and 'for the efficient execution of his functions' under the statute.'' *Gonzales* v. *Oregon,* 546 U.S. 243, 259 (2006). A clear purpose of this authority is to ''bar[] doctors from using their prescription-writing powers as a means to engage in illicit drug dealing and trafficking . . . .'' *Id.* at 270. In this case, Applicant pled guilty to counts directly related to issuing controlled substance prescriptions without a legitimate medical purpose. Applicant's unlawful activity is exactly the type of activity that the CSA was intended to prevent and she has given me no indication that she will not repeat her illicit behavior.

Based on the record before me, I conclude that Applicant's founded criminality makes her ineligible for a DEA registration. Accordingly, I shall order the sanction the Government requested, as contained in the Order below.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823, I hereby order that the pending application for a Certificate of Registration, Control Number W18011889C, submitted by Maura Tuso, D.M.D., is denied. This Order is effective November 26, 2021.

Anne Milgram,

Administrator.

[FR Doc. 2021–23262 Filed 10–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–915]

Importer of Controlled Substances Application: Indigenous Peyote Conservation Initiative

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Indigenous Peyote Conservation Initiative has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 26, 2021. Such persons may also file a written request for a hearing on the application on or before November 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 30, 2021, Indigenous Peyote Conservation Initiative, 826 North FM 649, Hebbronville, Texas 78361, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Peyote	7415	I

The above controlled substance will be imported as live plants for research, analytical purposes, enhancing the plant population, and improving conservation strategies of the plant in situ in its native habit. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–23281 Filed 10–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–916]

Bulk Manufacturer of Controlled Substances Application: Novitium Pharma LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Novitium Pharma LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2021. Such persons may also file a written request for a hearing on the application on or before December 27, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on September 8, 2021, Novitium Pharma LLC, 70 Lake Drive, East Windsor, New Jersey 08520, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I
Levorphanol	9220	II

The company plans to bulk manufacture drug codes 7438 and 7437 to produce Active Pharmaceutical Ingredient (API) and finished dosage forms for use in clinical trial studies only. In reference to drug code 9220, the company plans to bulk manufacture this drug code to support commercial drug product manufacturing and drug development purposes. No other activities for these drug codes are authorized for this registration.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–23282 Filed 10–25–21; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Request for Information: Undergraduate Training in Biology Mathematics and Computer Science (UBMC)

AGENCY: National Science Foundation.

ACTION: Request for information.

SUMMARY: The National Science Foundation's (NSF) Division of Undergraduate Education (DUE), the Division of Biological Infrastructure (DBI), the Division of Mathematical Sciences (DMS) and the Division of Computer and Information Science and Engineering (CISE) request input from interested parties the value and need for an interdisciplinary program that trains undergraduate students at the intersections of biological science, mathematics and computer sciences. This RFI will help inform NSF as it considers programs for educating the workforce of tomorrow.

DATES: Interested persons are invited to submit comments on or before December 31, 2021.

ADDRESSES: Submit comments to Mary L. Crowe, *mcrowe@nsf.gov.* Submissions should include the ''RFI Response: Undergraduate Training Program in Biological, Mathematical and Computer Science UBMC'' in the subject line of the message. Phone calls can be made to Mary L. Crowe at the following number: 703–292–7177.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Instructions: Response to this RFI is voluntary. Each individual or institution is requested to submit only one response. Responses should include the name of the person(s) or organization(s) filing the comment. Please include the number of the question or questions to which you are responding. Please limit your response to no more than six pages.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Responders are solely responsible for all expenses associated with responding to this RFI.

Background Information: The National Science Foundation (NSF) plays a critical role in establishing U.S. leadership in science and engineering (S&E), creating innovations that drive the nation's economy and educating the next generation of scientists and engineers. The NSF 10 Big Ideas support this role through ideas such as the Future of Work at the Human Technology Frontier, Harnessing the Data Revolution, and others, that foster

interdisciplinary science and engineering research and the requisite interdisciplinary education and workforce development.

A program that exemplified the integration of interdisciplinary training for undergraduates was the Interdisciplinary Training for Undergraduates in Biological and Mathematical Sciences (UBM), a program aimed to enhance undergraduate education and training at the intersection of the biological and mathematical sciences to better prepare undergraduate students to pursue careers in fields that integrated the mathematical and biological sciences *https://www.nsf.gov/pubs/2008/nsf08510/nsf08510.htm.* Since the end of the UBM program, there has been an increasing amount of digital data that necessitates education and training in not just mathematics but also in computer science. We note here, for instance, the Data Science Corps program, *https://www.nsf.gov/pubs/2021/nsf21523/nsf21523.htm,* one of the components of the HDR ecosystem enabling education and workforce development by building capacity for harnessing the data revolution in the service of science and society.

NSF is interested in developing a new program that starts with the core of the UBM program and expands into computer science as well as well as emerging areas in biology and mathematics. This is in recognition of the explosion of knowledge in instrumentation, computational abilities, information systems, mathematical tools, and biological systems from the nano to the macro regimes. NSF is interested in input from a variety of stakeholders on the interdisciplinary areas proposed for this program. We envision stakeholders to be faculty from both 2-yr and 4-yr institutions as well as industry, NGOs, and others.

Response(s) to the question(s) below should focus on effective models with specific efforts in at least one of the following:

- Multiple entry and exit points along a career pathway.
- Use of technologies including virtual to enhance training
- Cohort development in cross-disciplinary research and/or course experiences.
- Workforce needs in converging areas considering the breadth from the skilled technical workforce to Ph.D. level scientists

Questions To Address

Respondents can answer any of the questions #1–#8; responses to all questions are not required.

1. What are the biggest needs and challenges faced by institutions working to develop interdisciplinary courses/programs in the converging areas of biology, mathematics, and computer science?
2. What are the biggest needs and challenges faced by industries in these rapidly evolving and converging areas of STEM?
3. What topics might be included in an NSF program solicitation aimed at supporting these rapidly evolving converging areas?
4. Should a new program include the opportunity for research experiences for undergraduates in these converging areas? If so, what areas might be specifically targeted? Where (early, later, throughout) should these experiences be incorporated in a student's educational pathway and why? Is there a place for industry-based internships as well as institutional research experiences?
5. What are effective ways to promote interdisciplinary work within a broad range of institutions and disciplinary faculty? What might be challenges that a solicitation might address?
6. Whether you are currently part of a consortium-based model or would be interested in participating in one, describe the benefits and drawbacks of such a partnership. What type of consortium structure maximized the creation of effective and lasting relationships within distinct disciplinary areas of institutions and between institutions in regard to promoting interdisciplinary STEM education? What would the role of the management entity look like, and what partners would be involved?
7. What efforts might support STEM participation by a diverse set of students, especially those from groups underrepresented in STEM, through the creation of accessible, inclusive STEM learning opportunities and promoting STEM careers in these converging areas?
8. What are effective ways in assessing program impact relative to topics mentioned above?

Requirement: All qualified, experienced, and capable sources are welcome to respond to this RFI. Large-scale and small-scale examples of programs are of equal interest. Your capabilities should cover any and all areas of focus delineated above. There is no target years of relevant experience provided a program has evidence-based effectiveness and proven results.

In addition, please provide the following Point of Contact information for all responses:

Company:
Address:
Point of Contact:
Phone Number:
Email Address:
Business Size:

Dated: October 21, 2021.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2021–23327 Filed 10–25–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244; NRC–2020–0110]

Issuance of Exemption in Response to COVID–19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued one exemption in September 2021 in response to a request from one licensee for relief due to the coronavirus 2019 disease (COVID–19) public health emergency (PHE). The exemption affords the licensee temporary relief from certain requirements under NRC regulations.

DATES: On September 28, 2021, the NRC granted one exemption in response to a request submitted by one licensee on September 21, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 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–2020–0110. 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, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

• *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request for copies of documents 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: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 28, 2021, the NRC granted one exemption in response to a request submitted by one licensee dated September 21, 2021. The exemption temporarily allows the licensee to deviate from certain requirements of chapter I of title 10 of the *Code of Federal Regulations* (10 CFR), part 26, ''Fitness for Duty Programs,'' section 26.205, ''Work hours.''

The exemption from certain requirements of 10 CFR part 26 for Exelon Generation Company, LLC (for R. E. Ginna Nuclear Power Plant), affords this licensee temporary relief from the work-hour control requirements under 10 CFR 26.205(d)(1) through (d)(7). The exemption from 10 CFR 26.205(d)(1) through (d)(7) ensures that the control of work hours and management of worker fatigue does not unduly limit license flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of this facility. Specifically, this licensee has stated that its staffing levels are affected or are expected to be affected by the COVID–19 PHE, and it can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). This licensee has committed to effecting site-specific COVID–19 PHE fatigue-management controls for personnel specified in 10 CFR 26.4(a).

The table in this notice provides transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The table in this notice provides the facility name, docket number, document description, and ADAMS accession number for the exemption issued. Additional details on the exemption issued, including the exemption request submitted by the licensee and the NRC's decision, are provided in the exemption approval listed in the table in this notice. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

R.E. GINNA NUCLEAR POWER PLANT

Docket No. 50–244

Document description	ADAMS accession No.
R.E. Ginna Nuclear Power Plant—COVID–19 Related Request for Exemption from 10 CFR part 26 Work Hours Requirements, dated September 21, 2021	ML21265A159
R.E. Ginna Nuclear Power Plant—Exemption from Specific Requirements of 10 CFR part 26 (EPID L–2021–LLE–0042 [COVID–19]), dated September 28, 2021	ML21267A013

Dated: October 21, 2021.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–23315 Filed 10–25–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting

The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting on November 3–4, 2021.

Board meeting: November 3–4, 2021—*The U.S. Nuclear Waste Technical Review Board will hold a virtual public meeting to review information on the U.S. Department of Energy's research and development activities related to the geologic disposal safety assessment framework.*

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the U.S. Nuclear Waste Technical Review Board will hold an virtual public meeting on Wednesday, November 3, 2021, and Thursday, November 4, 2021, to review information on the U.S. Department of Energy's (DOE) research and development activities related to the geologic disposal safety assessment framework.

The meeting will begin on both days at 12:00 p.m. Eastern Daylight Time (EDT) and is scheduled to adjourn at 5:00 p.m. EDT. On the first day, the initial speaker, from the DOE Office of Nuclear Energy, will provide an update on DOE's Spent Fuel and Waste Disposition Program. The remaining speakers representing the national laboratories conducting the work for DOE will report on DOE's activities to support the development of a capability to model the post-closure performance of a repository for spent nuclear fuel (SNF) and high-level radioactive waste (HLW). Speakers will describe DOE's program including its objectives, research thrusts, and recent accomplishments. They will describe advanced simulation capabilities, including the Geologic Disposal Safety Assessment (GDSA) Framework and PFLOTRAN, as well as examples of how features and processes are integrated into the GDSA Framework.

On the second day, a final example of how features and processes are integrated into the GDSA Framework will be described by a speaker from the national laboratories. Speakers from the U.S. Nuclear Regulatory Commission and the United Kingdom's Radioactive Waste Management organization will present their perspectives on development of a performance assessment capability to model the post-closure performance of a repository. Speakers from the national laboratories will present work on the development of uncertainty and sensitivity analysis tools for GDSA Framework and the

implementation of GDSA Framework to generic repository reference cases for bedded salt, shale, and crystalline host rocks. They will present a case study in integrating insight and experience from the international community in GDSA. A detailed meeting agenda will be available on the Board's website at *www.nwtrb.gov* approximately one week before the meeting.

The meeting will be open to the public, and opportunities for public comment will be provided at the end of each day of the meeting. Details on how to submit public comments during the meeting will be provided on the Board's website along with the details for viewing the meeting. A limit may be set on the time allowed for the presentation of individual remarks. However, written comments of any length may be submitted to the Board staff by mail or electronic mail. All comments received in writing will be included in the meeting record, which will be posted on the Board's website after the meeting. An archived recording of the meeting will be available on the Board's website following the meeting. The transcript of the meeting will be available on the Board's website by January 3, 2022.

The Board was established in the Nuclear Waste Policy Amendments Act of 1987 as an independent federal agency in the Executive Branch to evaluate the technical and scientific validity of DOE activities related to the management and disposal of SNF and HLW, and to provide objective expert advice to Congress and the Secretary of Energy on these issues. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. All Board reports, correspondence, congressional testimony, and meeting transcripts and related materials are posted on the Board's website.

For information on the meeting agenda, contact Bret Leslie: *leslie@nwtrb.gov* or Roberto Pabalan: *pabalan@nwtrb.gov* . For information on logistics, or to request copies of the meeting agenda or transcript, contact Davonya Barnes: *barnes@nwtrb.gov.* All three may be reached by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201–3367; by telephone at 703–235–4473; or by fax at 703–235–4495.

Dated: October 20, 2021.

Neysa M. Slater-Chandler,

Director of Administration, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2021–23283 Filed 10–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93390; File No. SR–CboeBYX–2021–024]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Make Certain Clarifying Changes to Its Rule Related to Periodic Auctions

October 20, 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 October 14, 2021, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to make certain clarifying changes to its rule related to periodic auctions for the trading of U.S. equity securities. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to make certain clarifying changes to Exchange Rule 11.25 related to periodic auctions for the trading of U.S. equity securities (''Periodic Auctions'').[3] The Commission approved the Exchange's proposal to introduce Periodic Auctions on March 26, 2021.[4] The Exchange has not yet implemented Periodic Auctions. The Exchange is submitting this proposal in order to simplify certain portions of the Periodic Auction process and to add clarity to the rule text prior to implementation.

Specifically, the Exchange is proposing to make clear that: (i) Periodic Auction Eligible Orders[5] will be ranked as non-displayed limit orders consistent with the priority of orders outlined in Rule 11.12(a); (ii) incoming Periodic Auction Eligible Orders will upon entry interact with Continuous Book Orders[6] and other Periodic Auction Eligible Orders according to their rank under Rule 11.12(a); and (iii) Periodic Auction Eligible Orders that are also Minimum Quantity Orders[7] will only initiate a Periodic Auction upon entry where a single contra-side Periodic Auction Order would satisfy the specified minimum size. The Exchange is also proposing to make a simplifying change to reject Periodic Auction Orders that are immediate-or-cancel (''IOC''). Finally, the Exchange is proposing to make certain clean-up

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Periodic Auction'' shall mean an auction conducted pursuant to Rule 11.25. *See* Rule 11.25(a)(4).

[4] *See* Securities Exchange Act Release No. 91423 (March 26, 2021), 86 FR 17230 (April 1, 2021) (SR–BYX–2020–021, Amendments No. 3 and 4) (the ''Approved Proposal''). The Exchange also notes that the original proposal to adopt Periodic Auctions (the ''Original Proposal'') was submitted on July 17, 2020. *See* Securities Exchange Act Release No. 89424 (July 29, 2020), 85 FR 47262 (August 4, 2020).

[5] The term ''Periodic Auction Order'' shall mean a ''Periodic Auction Only Order'' or ''Periodic Auction Eligible Order'' as those terms are defined in Rules 11.25(b)(1)–(2), and the term ''Periodic Auction Book'' shall mean the System's electronic file of such Periodic Auction Orders. *See* Rule 11.25(a)(6).

[6] The term ''Continuous Book Order'' shall mean an order on the BYX Book that is not a Periodic Auction Order, and the term ''Continuous Book'' shall mean System's electronic file of such Continuous Book Orders. *See* Rule 11.25(a)(2).

[7] *See* BYX Rule 11.9(c)(5).

changes to Rule 11.25(b)(1), (2), and (3) to eliminate certain typos from the rule text.

Ranking Periodic Auction Eligible Orders

Rule 11.25(b)(2) currently reads as follows:

Periodic Auction Eligible Orders. A ''Periodic Auction Eligible Order'' is a Non-Displayed Limit Order eligible to trade on the Continuous Book that is entered with an instruction to also initiate a Periodic Auction, if possible, pursuant to this Rule 11.25. An incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book.

The first sentence makes clear that Periodic Auction Eligible Orders are eligible to trade on the Continuous Book and suggests that Periodic Auction Eligible Orders would be ranked as non-displayed limit orders by referring to such as orders as types of non-displayed limit orders. However, reading this sentence together with the second sentence could make it unclear as to how Periodic Auction Eligible Orders are ranked and how an incoming Periodic Auction Eligible Order would interact with other Periodic Auction Orders and resting orders on the Continuous Book.[8]

As such, the Exchange is proposing to add a new sentence in between the two sentences that reads ''Periodic Auction Eligible Orders will be ranked as non-displayed limit orders consistent with the priority of orders outlined in Rule 11.12(a).'' [9] This will make explicit that Periodic Auction Eligible Orders will be ranked in price-time priority among Continuous Book Orders and will also help to make clear how incoming orders (both Periodic Auction Eligible Orders and Continuous Book Orders) will interact with resting orders, as further discussed below. Practically, the Exchange believes this clarifying change is reasonably inferred from the definition of Periodic Auction Eligible Orders, which defines a Periodic Auction Eligible Order as (emphases added) ''*a Non-Displayed Limit Order* eligible to trade on the Continuous Book that is entered with an instruction to also initiate a Periodic Auction, if possible, pursuant to this Rule 11.25.'' If such orders are eligible to trade on the Continuous Book, they would need to be prioritized by the System and it would only make sense for them to be prioritized in accordance with the Exchange's existing priority rules. Rather than rely on this implication, the Exchange is proposing to explicitly state this in the Rules by adding the language proposed above.

Example 1:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 100 shares @ $10.02 Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.02 Non-Displayed—Periodic Auction Eligible

Order 2 is ranked ahead of Order 1 because it is a displayed limit order in accordance with Rule 11.12(a)(1), meaning that Order 3 would execute 100 shares against Order 2.

Incoming Periodic Auction Eligible Orders

As described above, Rule 11.25(b)(2) currently states that ''An incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book.'' This language was originally introduced to make clear that an incoming Periodic Auction Eligible Order would interact with other Periodic Auction Eligible Orders and Continuous Book Orders before interacting with Periodic Auction Only Orders, as made clear in Example 3 in the Approved Proposal (''AP Example 3'').[10] While the rule is made clear by the surrounding rule text and the clarifying context from the Approved Proposal, on its own it could be read to imply that all resting Periodic Auction Eligible Orders would either be prioritized behind any executable Continuous Book Order or that such resting orders should immediately execute against an incoming Periodic Auction Eligible Order instead of initiating a Periodic Auction, which is not the case.

As such, the Exchange is proposing to add language to that sentence in Rule 11.25(b)(2) such that the sentence will instead read (additions in *italics*): ''An incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book *and will upon entry interact with Continuous Book Orders and other Periodic Auction Eligible Orders according to their rank under Rule 11.12(a).*'' This language will make explicit in the rule text the outcome described in AP Example 3. Further, this proposed change will add further clarity to the language in Rule 11.25(c) describing when a Periodic Auction will be initiated. Specifically, Rule 11.25(c) provides that a Periodic Auction will be initiated in a security when ''one or more Periodic Auction Orders to buy become executable against one or more Periodic Auction Orders to sell.'' The proposed amendment to specifically describe how incoming Periodic Auction Eligible Orders will interact with resting orders will add clarity regarding what it means when Periodic Auction Orders become ''executable'' against one another in this context.

Example 2:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 100 shares @ $10.02 Displayed—Continuous Book Order
Order 3: Sell 400 shares @ $10.02 Non-Displayed—Periodic Auction Eligible

NBBO: $10.00 × $10.10
Order 1: Buy 100 shares @ 10.05 Midpoint Peg—Periodic Auction Only
Order 2: Buy 100 shares @ 10.05 Midpoint Peg—Continuous Book Order
Order 3: Sell 100 shares @ 10.05 Midpoint Peg—Periodic Auction Eligible

A Periodic Auction is not initiated. Instead, Order 3, which is a Periodic Auction Eligible Order, would trade immediately with the Continuous Book and execute 100 shares against Order 2 at $10.05. Although Order 1 is available to initiate a Periodic Auction, a Periodic Auction Eligible Order would trade immediately with Continuous Book Orders on entry if it can do so instead of initiating a Periodic Auction.

[8] The Exchange notes that in the Original Proposal the second sentence of Rule 11.25(b)(2) originally said ''An incoming PAE Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will initiate a Periodic Auction.'' In Amendment 1, the Exchange instead proposed the current language which remained in the Approved Proposal. The intent of this change in the rule text was to make clear that the Exchange would not prioritize a Periodic Auction Order over every other resting order, which is made clear in the examples and in the Approved Proposal. The proposed new language further clarifies this intent from Amendment 1 in the rule text.

[9] Rule 11.12(a)(1) and (2) relate to the priority and ranking of orders and specifically state: ''(a) Ranking. Orders of Users shall be ranked and maintained in the BYX Book based on the following priority: (1) Price. The highest-priced order to buy (or lowest-priced order to sell) shall have priority over all other orders to buy (or orders to sell) in all cases. (2) Time. Subject to the execution process described in Rule 11.13(a) below, where orders to buy (or sell) are made at the same price, the order clearly established as the first entered into the System at such particular price shall have precedence at that price, up to the number of shares of stock specified in the order. The System shall rank equally priced trading interest within the System in time priority in the following order: (A) Displayed size of limit orders; (B) Non-Displayed limit orders; (C) Non-Displayed Pegged Orders; (D) Mid-Point Peg Orders; (E) Reserve size of orders; (F) Discretionary portion of Discretionary Orders as set forth in Rule 11.9(c)(9); (G) Supplemental Peg Orders.''

[10] AP Example 3 specifically provides the following example:

Order 3 would execute 100 shares against Order 2 (consistent with Example 1). Order 3 and Order 1 would then be executable against one another and are both Periodic Auction Eligible Orders, so the remaining 300 shares from Order 3 would be sent to the Periodic Auction Book and the Periodic Auction initiation process would begin.[11]

Example 3:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 100 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Sell 400 shares @ $10.02 Non-Displayed—Periodic Auction Eligible

This example is identical to Example 2 except that Order 2 is Non-Displayed rather than Displayed. Upon entry, Order 3 would be executable against Order 1 and both are Periodic Auction Eligible Orders, so the 400 shares from Order 3 would be sent to the Periodic Auction Book and the Periodic Auction initiation process would begin.[12]

Example 4:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Only
Order 2: Buy 100 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.02 Non-Displayed—Periodic Auction Eligible

Because an incoming Periodic Auction Eligible Order that ''is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book,'' Order 3 would execute 100 shares against Order 2 and a Periodic Auction would not be initiated.

Example 5:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.03 Non-Displayed—Periodic Auction Only
Order 2: Buy 100 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.02 Non-Displayed—Periodic Auction Eligible

Because an incoming Periodic Auction Eligible Order that ''is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book,'' Order 3 would execute 100 shares against Order 2 and a Periodic Auction would not be initiated.[13]

Example 6:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.03 Non-Displayed—Periodic Auction Only
Order 2: Buy 100 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.03 Non-Displayed—Periodic Auction Eligible

This example is identical to Example 5 except that Order 3 has a limit of $10.03 instead of $10.02. Because an incoming Periodic Auction Eligible Order that ''is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book and will upon entry interact with Continuous Book Orders and other Periodic Auction Eligible Orders according to their rank,'' the System will look to see if Order 3 could interact with any Continuous Book Orders or Periodic Auction Eligible Orders prior to looking to Order 1. In this instance, Order 3 would not be able to execute against Order 2. As such, Order 3 would post and the System would check to see whether a Periodic Auction could be initiated (which it could because Order 3 and Order 1 are executable against one another), and the Periodic Auction initiation process would begin.

Periodic Auction Eligible Orders With a Minimum Quantity

Rule 11.25(b)(2)(C) describes how Minimum Quantity Orders will participate in Periodic Auctions and the use of such orders with Periodic Auction Eligible Orders, but does not address how such orders will be handled in initiating Periodic Auctions. It states that ''Minimum Quantity Orders, as defined in Rule 11.9(c)(5),[14] will be executed in a Periodic Auction only if the minimum size specified can be executed against one or more contra-side orders. Orders entered with the alternative instruction that requires the minimum size specified to be satisfied by each individual contra-side order cannot be entered as Periodic Auction Eligible Orders.''

The current rule and the Approved Proposal are clear in describing how Minimum Quantity Orders will be handled in a Periodic Auction (they ''will be executed in a Periodic Auction only if the minimum size specified can be executed against one or more contra-side orders''), but as noted above they do not describe how incoming Periodic Auction Eligible Orders with minimum size requirements will be handled in initiating Periodic Auctions. Because Periodic Auction Eligible Orders are eligible to both execute against orders on the book or to initiate a Periodic Auction where they would execute against a Periodic Auction Order, an incoming order with a minimum size requirement creates unique issues

[11] As noted in the Approved Proposal, Periodic Auctions would operate alongside trading on the Continuous Book. The Exchange has therefore developed its system for processing Periodic Auctions with the goal of minimizing interference with trading in the continuous market. Thus, in rare circumstances where a number of Periodic Auctions could potentially be triggered at or around the same time, the Exchange may throttle the initiation of such Periodic Auctions if needed to maintain appropriate system performance and latency. In the event that the System was throttling Periodic Auctions during this example, it would delay the Periodic Auction initiation process. *See* Approved Proposal at 17234.

[12] *See supra* note 11.

[13] The Exchange notes that this example is meant to illustrate the same functionality captured in Example 6 as laid out in Amendment No. 3 to the Approved Proposal as corrected in Amendment No. 4 to the Approved Proposal (''Corrected Example 6 from Amendment No. 3''). While this example was technically replaced as part of Amendment No. 4, it was laid out in Amendment No. 3 with an incorrect outcome and Amendment No. 4 provided some explanation about what should have happened before laying out a new replacement Example 6. This example is relevant because it specifically illustrates the interaction of a Periodic Auction Only Order that is priced more aggressively than a resting Continuous Book Order when contra-side executable Periodic Auction Eligible Orders are entered. What follows is the example as laid out in Amendment No. 3 and followed by the explanation from Amendment No. 4.

NBBO: $10.00 × $10.10
Order 1: Buy 500 shares @ $10.05 Non-Displayed—Periodic Auction Only
Order 2: Buy 300 shares @ $10.04 Non-Displayed—Continuous Book Order
Order 3: Sell 100 shares @ $10.04 Non-Displayed—Periodic Auction Eligible
Order 4: Sell 200 shares @ $10.04 Non-Displayed—Periodic Auction Eligible

Specifically, this example is consistent with the explanation of what the outcome should have been in described in Amendment No. 4 stating ''the amended functionality would require that Order 3 and Order 4, which are Periodic Auction Eligible Orders, each trade immediately with Order 2, which is a Non-Displayed Continuous Book Order.'' As provided in Amendment No. 4 to the Approved Proposal:

''Example 6 was added to the Proposal in Amendment No. 1 to illustrate the Exchange's proposed Periodic Auction Price calculation. Prior to the submission of Amendment No. 1, the Proposal provided that an incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction would initiate a Periodic Auction. However, Amendment No. 1 changed this proposed behavior such that an incoming Periodic Auction Eligible Order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction would instead trade immediately with the Continuous Book, including any Displayed or Non-Displayed Continuous Book Orders.''

Consistent with Corrected Example 6 from Amendment No. 3, an order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book, even where the Periodic Auction Only Order is more aggressively priced than the Continuous Book Order. Such functionality is consistent with language in the Approved Proposal related to securing a guaranteed execution for an order.

[14] *See* Rule 11.9(c)(5).

related to how to calculate executable quantity and determining whether an order should be executed or initiate a Periodic Auction, especially where resting orders also have minimum size requirements. As such, the Exchange is proposing to explain how it intends to handle such orders by adding a sentence that states ''A Periodic Auction Eligible Order entered with a minimum execution quantity will only initiate a Periodic Auction upon entry where a single contra-side Periodic Auction Order would satisfy the specified minimum size.'' This provides a straightforward approach to managing minimum execution quantity that makes the interaction of minimum execution quantity more easily understandable and predictable while ensuring that the minimum execution quantity will be satisfied if the incoming order initiates a Periodic Auction. This proposed change is consistent with the protection of investors and the public interest as it would help to simplify the minimum execution quantity functionality. The following examples represent basic illustrations of the unique issues and explanation of how the Exchange will manage incoming Periodic Auction Eligible Orders with minimum size requirements.

Example 7:
NBBO: $10.00 × $10.05
Order 1: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 100 shares @ $10.02 Displayed—Continuous Book Order
Order 3: Buy 400 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 4: Sell 1000 shares @ $10.02 Non-Displayed—Periodic Auction Eligible; Minimum Quantity = 500

Order 4 would execute 700 shares upon entry against Orders 2, 1, and 3, and would post 300 shares. Even though there are a collective 600 shares of Periodic Auction Orders between Orders 1 and 3 (enough to satisfy the minimum size requirement for Order 4), the Periodic Auction initiation process would not occur because no single Periodic Auction Order satisfies the Minimum Quantity of 500 shares.

Example 8:
NBBO: $10.00 × $10.05
Order 1: Buy 300 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 500 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 4: Sell 800 shares @ $10.02 Non-Displayed—Periodic Auction Eligible; Minimum Quantity = 500

Order 4 would execute 800 shares upon entry against Orders 1 and 2. Even though there are a collective 500 shares of Periodic Auction Orders between Orders 1 and 3 (enough to satisfy the minimum size requirement for Order 4), the Periodic Auction initiation process would not occur because no single Periodic Auction Order would satisfy the Minimum Quantity of 500 shares.

Example 9:
NBBO: $10.00 × $10.05
Order 1: Buy 500 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 2: Buy 500 shares @ $10.02 Non-Displayed—Continuous Book Order
Order 3: Buy 200 shares @ $10.02 Non-Displayed—Periodic Auction Eligible
Order 4: Sell 800 shares @ $10.02 Non-Displayed—Periodic Auction Eligible; Minimum Quantity = 500

The only difference between this Example 9 and Example 8 above is that Order 1 has 500 shares instead of 300. This change means that Order 1 would on its own satisfy the 500 share minimum size requirement of Order 4 and would thus be ''a single contra-side Periodic Auction Order'' that ''would satisfy the specified minimum size'' of the incoming order. As such, Order 4 would be sent to the Periodic Auction Book and the Periodic Auction initiation process would begin.[15] Similarly, where a Periodic Auction Eligible Order with a minimum size requirement is already on the book, incoming orders that do not individually satisfy the minimum size requirements will not execute immediately. However, consistent with the Exchange's treatment of Minimum Quantity Orders generally, such orders will aggregate after posting.

Example 10:
NBBO: $10.00 × $10.05
Order 1: Buy 1000 shares @ $10.02 Non-Displayed—Periodic Auction Eligible; Minimum Quantity = 500
Order 2: Sell 400 shares @$10.02 Non-Displayed—Periodic Auction Eligible
Order 3: Sell 400 shares @$10.02 Non-Displayed—Periodic Auction Eligible

Orders 2 and 3 do not satisfy the minimum size requirement of Order 1 and therefore would not execute or initiate a Periodic Auction upon entry. After the orders are resting, however, the System will aggregate the size of Orders 2 and 3, check whether a Periodic Auction can be initiated (which it could because the minimum size requirement for Order 1 is satisfied), and the Periodic Auction initiation process would begin.[16]

IOC Orders

The Exchange is also proposing to amend Rule 11.25(b)(2)(A) in order to reject Periodic Auction Orders that are IOC. Based on industry feedback, the Exchange believes that the majority of participants would use RHO[17] orders to initiate or participate in a Periodic Auction and would not generally enter IOC orders to participate in the Periodic Auction process.[18] Allowing for IOCs to participate in Periodic Auctions requires additional development work and, because the Exchange believes that there would not at the outset be significant interest in using such functionality, the Exchange believes that rejecting Periodic Auction Orders that are IOCs would simplify the Periodic Auction process without meaningfully impacting its practical functionality. Stated another way, the minimal benefits that would come from including IOCs at this time are outweighed by the cost to implement the functionality and rejecting IOCs would simplify the Periodic Auction process. As such, the Exchange is proposing to reject Periodic Auction Orders that are IOC orders.

Clean-Up Changes

The Exchange is also proposing to make non-substantive clean-up changes to make references to ''Non-Displayed Limit Order'' in Rules 11.25(b)(1) and (2) instead read ''non-displayed limit order'' and to delete an extra instance of the word ''be'' from Rule 11.25(b)(3).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[19] in general, and Section 6(b)(5) of the Act,[20] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest

[15] *See supra* note 11.

[16] *See supra* note 11.

[17] As provided in Rule 11.9(b)(7), an RHO order is an order that is designated for execution only during Regular Trading Hours.

[18] The Exchange notes that it may consider adding IOC functionality in the future in the event that there was meaningful interest from participants.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

and not to permit unfair discrimination between customers, issuers, brokers, or dealers. As further described below, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it would help to clarify and simplify the Exchange's Periodic Auction process, which itself is intended to facilitate improved price formation and provide additional execution opportunities for investors, particularly in securities that may suffer from limited liquidity, including thinly-traded securities. Specifically, the Exchange believes that its proposed changes to further clarify in the rule text that: (i) Periodic Auction Eligible Orders will be ranked as non-displayed limit orders consistent with the priority of orders outlined in Rule 11.12(a); (ii) incoming Periodic Auction Eligible Orders will upon entry interact with Continuous Book Orders and other Periodic Auction Eligible Orders according to their rank under Rule 11.12(a); and (iii) Periodic Auction Eligible Orders that are also Minimum Quantity Orders will only initiate a Periodic Auction upon entry where a single contra-side Periodic Auction Order would satisfy the specified minimum size, are all consistent with the Act because they are designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes make the rules of the Exchange more straightforward and easily understandable. The Exchange also believes that its simplifying change to reject Periodic Auction Orders that are IOC is consistent with the Act because it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because it will simplify Periodic Auction functionality without meaningfully impacting its utility. Finally, the Exchange believes that its proposed non-substantive clean-up changes to Rule 11.25(b)(1), (2), and (3) are consistent with the Act because they are designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes are designed to make the rules of the Exchange more easily understandable.

Ranking Periodic Auction Eligible Orders

The Exchange believes that the proposed change to add a new clarifying sentence to Rule 11.25(b)(2) is consistent with the Act because it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes are designed to make the rules of the Exchange more straightforward and easily understandable by making explicit that Periodic Auction Eligible Orders will be ranked in price-time priority among Continuous Book Orders and will also help to make clear how incoming orders (both Periodic Auction Eligible Orders and Continuous Book Orders) will interact with resting orders. As described above, the point that is being clarified could reasonably be inferred from the definition of Periodic Auctions Orders and is consistent with the intent of current Rule 11.25(b)(2). The Exchange believes that adding the clarifying change will promote just and equitable principles of trade and remove impediments to a free and open market by making explicit how Periodic Auction Eligible Orders will be ranked and how incoming orders will interact with resting orders.

Incoming Periodic Auction Eligible Orders

The Exchange believes that the proposed change to Rule 11.25(b)(2) is consistent with the Act because it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes are designed to make the rules of the Exchange more straightforward and easily understandable by making more clear how incoming Periodic Auction Eligible Orders will interact with resting orders. The current rule text was originally introduced to make clear that an incoming Periodic Auction Eligible Order would interact with other Periodic Auction Eligible Orders and Continuous Book Orders before interacting with Periodic Auction Only Orders, as made clear in AP Example 3 and further articulated in Corrected Example 6 from Amendment No. 3. The Exchange believes that the proposed new language is consistent with the Act in that it will make the rule text more clear and easily understandable. Further to this point, the Exchange also notes that the proposed change will also clarify what it means when Periodic Auction Orders become ''executable'' against one another. Additionally, consistent with Corrected Example 6 from Amendment No. 3, this proposal makes clear that an order that is eligible both to trade on the Continuous Book and initiate a Periodic Auction will trade immediately with the Continuous Book, even where the Periodic Auction Only Order is more aggressively priced than the Continuous Book Order. The Exchange believes that such functionality is consistent with the functionality previously described in Corrected Example 6 from Amendment No. 3 and remains consistent with the rationale applied in the Approved Proposal related to securing a guaranteed execution for an order. As such, the Exchange believes that the proposed change would promote just and equitable principles of trade and remove impediments to a free and open market by adding additional detail already memorialized in the Approved Proposal and making the Exchange's rules related to Periodic Auctions more explicit.

Periodic Auction Eligible Orders With a Minimum Quantity

The Exchange believes that its proposed change to Rule 11.25(b)(2)(C) is also consistent with the Act because it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes are designed to make the rules of the Exchange more straightforward and easily understandable by making clear how Minimum Quantity Orders will be handled in initiating Periodic Auctions. Specifically, Rule 11.25(b)(2) currently describes how Minimum Quantity Orders will participate in Periodic Auctions and the use of such orders with Periodic Auction Eligible Orders, but does not explicitly address how such orders will be handled in initiating Periodic Auctions.

The current rule and the Approved Proposal are clear in describing how Minimum Quantity Orders will be handled in a Periodic Auction (they ''will be executed in a Periodic Auction only if the minimum size specified can be executed against one or more contra-side orders''), but they do not describe how incoming Periodic Auction Eligible Orders with minimum size requirements will be handled in initiating Periodic Auctions. Because Periodic Auction Eligible Orders are eligible to both execute against orders on the book or to initiate a Periodic Auction where they would execute against a Periodic Auction Order, an incoming order with a minimum size requirement creates unique issues related to how to calculate executable quantity and determining whether an order should be executed or initiate a Periodic Auction, especially where resting orders also have minimum size requirements. As such, the Exchange believes that it will benefit investors to explain how it intends to handle such Minimum Quantity Orders. The Exchange believes that having a Periodic Auction Eligible Order entered with a minimum execution quantity

only initiate a Periodic Auction upon entry where a single contra-side Periodic Auction Order would satisfy the specified minimum size represents a straightforward approach to managing minimum execution quantity that makes the interaction of minimum execution quantity more easily understandable and predictable while ensuring that the minimum execution quantity will be satisfied if the incoming order initiates a Periodic Auction. This proposed change is consistent with the protection of investors and the public interest as it would help to simplify the minimum execution quantity functionality. As such, the Exchange believes that the proposed change to Rule 11.25(b)(2)(C) related to Minimum Quantity Orders is consistent with the Act.

IOC Orders

The Exchange believes that the proposed change to reject Periodic Auction Orders that are IOC orders will remove impediments to and perfect a national market system by simplifying the Periodic Auction process without meaningfully impacting its functionality. Specifically, based on industry feedback, the Exchange believes that the majority of participants would use RHO orders to initiate or participate in a Periodic Auction and would not generally enter IOC orders to participate in the Periodic Auction process. Allowing for IOCs to participate in Periodic Auctions requires additional development work and, because the Exchange believes that there would not at the outset be significant interest in using such functionality, the Exchange believes that rejecting Periodic Auction Orders that are IOCs would simplify the Periodic Auction process without meaningfully impacting its practical functionality. Stated another way, the minimal benefits that would come from including IOCs at this time are outweighed by the cost to implement the functionality and rejecting IOCs would simplify the Periodic Auction process. The Exchange also believes that eliminating this order instruction is consistent with the public interest and the protection of investors given the expected limited demand for use of this order instruction upon implementation. As such, the Exchange believes that this proposed change is consistent with the Act because it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because it will simplify Periodic Auction functionality without meaningfully impacting its utility.

Clean-Up Changes

Finally, the Exchange believes that making the non-substantive clean up changes including changing references to ''Non-Displayed Limit Order'' in Rules 11.25(b)(1) and (2) instead read ''non-displayed limit order'' and to delete an extra instance of the word ''be'' from Rule 11.25(b)(3) are consistent with the Act because they are designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest because the changes are designed to make the rules of the Exchange more easily understandable.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change would allow the Exchange to make certain clarifying and simplifying changes to the Exchange's rules and functionality related to Periodic Auctions in a manner consistent with the current Rules (and the Approved Proposal), making the Periodic Auction functionality more straightforward and transparent prior to implementation. The Exchange's Periodic Auction functionality is designed to introduce innovative functionality to allow competition and to improve market quality in thinly-traded and other securities. The equities industry is fiercely competitive as the Exchange must compete with other equities exchanges and off-exchange venues for order flow and this proposal will allow the Exchange to implement certain simplifying and clarifying changes to its Periodic Auction rules and functionality that will allow it to better compete in this market.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBYX–2021–024 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-CboeBYX–2021–024. 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–CboeBYX–2021–024, and

should be submitted on or before November 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23257 Filed 10–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93335]

Order Specifying the Manner and Format of Filing Unaudited Financial and Operational Information by Security-Based Swap Dealers and Major Security-Based Swap Participants That Are Not U.S. Persons and Are Relying on Substituted Compliance Determinations With Respect to Rule 18a–7

I. Introduction

Currently, broker-dealers are required to file on a monthly or quarterly basis the applicable part of Form X–17A–5 (''FOCUS Report'').[1] Broker-dealers use the FOCUS Report to submit unaudited financial and operational information that is used by the Commission and broker-dealer self-regulatory organizations to monitor and supervise the firms. On September 19, 2019, the U.S. Securities and Exchange Commission (''Commission'') adopted recordkeeping, reporting, and notification requirements applicable to registered security-based swap dealers and major security-based swap participants (collectively, ''SBS Entities'') and additional recordkeeping and reporting requirements for broker-dealers to account for their security-based swap activities.[2] As part of this initiative, the Commission adopted Exchange Act rule 18a–7 (''Rule 18a–7''), amended Part II of the FOCUS Report, and adopted a new Part IIC of the FOCUS Report.[3] Rule 18a–7 applies to SBS Entities that also are registered with the Commission as OTC derivatives dealers (a special purpose broker-dealer that must limit its business to dealing in over-the-counter derivatives) or that do not have a broker-dealer registration.[4] Under this rule, SBS Entities that do not have a prudential regulator are required to file Part II of the FOCUS Report on a monthly basis and SBS Entities that have a prudential regulator are required to file Part IIC of the FOCUS Report on a quarterly basis.[5] Rule 18a–7 requires SBS Entities to file Part II or Part IIC of the FOCUS Report with the Commission or its designee.[6] The Commission has designated the Financial Industry Regulatory Association, Inc. (''FINRA'') as the organization with which SBS Entities must file Part II or Part IIC of the FOCUS Report.[7]

Exchange Act rule 3a71–6 (''Rule 3a71–6'') conditionally provides that SBS Entities that are not U.S. persons may satisfy certain requirements under Exchange Act section 15F, including Rule 18a–7, by complying with comparable regulatory requirements of the SBS Entity's home jurisdiction.[8] Pursuant to Rule 3a71–6, the Commission has issued orders granting conditional substituted compliance with respect to certain requirements applicable to SBS Entities subject to regulation in France, Germany, and the United Kingdom (''substituted compliance orders'').[9] The substituted compliance orders permit certain SBS Entities in those jurisdictions (''Covered Entities'') to apply substituted compliance for specified Exchange Act requirements.

The substituted compliance orders permit a Covered Entity to satisfy the requirements of Rule 18a–7 with respect to filing Part II or Part IIC of the FOCUS Report by being subject to and complying with specified requirements in the Covered Entity's home jurisdiction, subject to additional conditions designed to help ensure comparability of regulatory outcomes. In particular, the conditions for applying substituted compliance with respect to Rule 18a–7 are that the Covered Entity: (1) Is subject to and complies with the relevant comparable requirements of the home jurisdiction; (2) files periodic unaudited financial and operational information with the Commission or its designee in the manner and format required by Commission rule or order and presents the financial information in the filing in accordance with generally accepted accounting principles (''GAAP'') that the Covered Entity uses to prepare general purpose publicly available or available to be issued financial statements in the home jurisdiction (''manner and format condition''); (3) applies substituted compliance for the capital requirements of Exchange Act rules 18a–1 through 18a–1d (collectively, ''Rule 18a–1'') if the Covered Entity does not have a prudential regulator; [10] and (4) applies substituted compliance for the record preservation requirements of Exchange Act rule 18a–6(b)(1)(viii) (''Rule 18a–6(b)(1)(viii)'') if the Covered Entity does not have a prudential regulator.[11]

This order specifies how a Covered Entity must meet the manner and format condition in a substituted compliance order.[12] Finally, in response to the Commission's proposed substituted compliance orders with respect to Germany, France, and the United Kingdom, commenters made suggestions about the manner and

[21] 17 CFR 200.30–3(a)(12).

[1] *See* 17 CFR 240.17a–5(a).

[2] *See Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers,* Securities Exchange Act of 1934 (''Exchange Act'') Release No. 87005 (Sept. 19, 2019), 84 FR 68550 (Dec. 16, 2019) (''Recordkeeping and Reporting Adopting Release'').

[3] *Id.* at 68571–88. *See also* 17 CFR 240.18a–7. The amendments to Part II included consolidating other FOCUS Report parts into Part II. *See* Recordkeeping and Reporting Adopting Release, 84 FR at 68573–74 (discussing the consolidation of Parts IIB and IICSE into Part II).

[4] SBS Entities that also are registered as broker-dealers (other than OTC derivatives dealers) are subject to the FOCUS Report filing requirements of Exchange Act rule 17a–5. 17 CFR 240.17a–5(a).

[5] *See* 17 CFR 240.18a–7(a)(1) and (2).

[6] *See* 17 CFR 240.18a–7(a).

[7] *See Order Designating Financial Industry Regulatory Authority, Inc., to Receive Form X–17A–5 (FOCUS Report) from Certain Security-Based Swap Dealers and Major Security-Based Swap Participants,* Exchange Release No. 34–88866 (May 14, 2020).

[8] *See* 17 CFR 240.3a71–6.

[9] *See Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the Federal Republic of Germany,* Exchange Act Release No. 90765 (Dec. 22, 2020), 85 FR 85686 (Dec. 29, 2020); *Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the French Republic,* Exchange Act Release No. 92484 (July 23, 2021), 86 FR 41612 (Aug. 2, 2021); *Order Granting Conditional Substituted Compliance in Connection with Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers and Major Security-Based Swap Participants Subject to Regulation in the United Kingdom,* Exchange Release No. 92529 (June 30, 2021), 86 FR 43318 (Aug. 6, 2021); *Order Granting Conditional Substituted Compliance in Connection With Certain Requirements Applicable to Non-U.S. Security-Based Swap Dealers Subject to Regulation in the Swiss Confederation,* Exchange Act Release No. 93284 (Oct. 8, 2021).

[10] *See* 17 CFR 240.18a–1 through 18a–1d.

[11] *See* 17 CFR 240.18a–6(b)(1)(viii). Rule 18a–6(b)(1)(viii) requires SBS Entities without a prudential regulator to preserve specified information in support of amounts included in the FOCUS Report Part II prepared as of the audit date. *Id.*

[12] This order applies to the manner and format condition in the existing substituted compliance orders and to any future orders that include the manner and format condition. If necessary to achieve comparable regulatory outcomes, the Commission may prescribe additional conditions in a future substituted compliance order with respect to a particular jurisdiction to tailor a Covered Entity's reliance on the manner and format condition to the relevant laws in the jurisdiction.

format condition.[13] The comments, and the Commission's response to them, are discussed below.

II. Discussion

A. Manner of Filing

i. Use Part II or IIC of the FOCUS Report and the eFOCUS System Administered by FINRA

Most broker-dealers registered with the Commission currently file the applicable part of the FOCUS Report with FINRA through the eFOCUS system (''FINRA eFOCUS system''). As noted above, the Commission has designated FINRA to receive Part II and Part IIC of the FOCUS Report filed by SBS Entities pursuant to Rule 18a–7, including SBS Entities that are not broker-dealer members of FINRA. FINRA will administer a separate eFOCUS system to be used by SBS Entities that are not broker-dealer members of FINRA to file the FOCUS Report Part II and Part IIC (as applicable) (''SEC eFOCUS system''). Under this order, a Covered Entity must file the financial and operational information in the format discussed below with the Commission through the SEC eFOCUS system administered by FINRA.[14] The SEC eFOCUS system is modelled closely on the FINRA eFOCUS system. Using the SEC eFOCUS system will enable Covered Entities applying substituted compliance with respect to Rule 18a–7 to file the FOCUS Report Part II and Part IIC (as applicable) on the same platform and to use the same preexisting templates, software, and procedures as SBS Entities that are not members of FINRA. Further, the Commission staff will have access to the SEC eFOCUS system and the FINRA eFOCUS system (collectively, the ''eFOCUS systems'') and information filed on those systems will be provided to the Commission staff to maintain a separate database. The staff will use its access to the eFOCUS systems and the database to monitor the financial condition of firms and to perform cross-firm analysis to identify trends and areas meriting further regulatory focus as well as to perform economic analyses. Requiring Covered Entities to use the SEC eFOCUS system to file the required financial and operational information will facilitate integrating the information with the financial and operational information of broker-dealers (some of which will be registered as security-based swap dealers) and SBS Entities that are not applying substituted compliance with respect to Rule 18a–7. This will enhance the Commission's ability to monitor and supervise these firms.

ii. Frequency and Timing of Filing

Rule 18a–7 requires an SBS Entity that is not prudentially regulated to file Part II of the FOCUS Report seventeen business days after the month end and an SBS Entity that is prudentially regulated to file Part IIC of the FOCUS Report thirty calendar days after the quarter end.[15] In response to proposed substituted compliance orders, the Commission received comments requesting that Covered Entities be permitted to file their financial and operational information with the same frequency that they file financial reports in their home jurisdictions (typically quarterly).[16] A commenter further requested that the deadline for filing the financial and operational information with the Commission be extended to 14 calendar days after the filing in their home jurisdiction is due, except the commenter requested 30 calendar days in the case of a filing that covers a period ending on the firm's fiscal year end.[17]

The commenter's requests would substantially delay (in some cases by multiple months) the reporting of financial and operational information by Covered Entities. Consequently, for the reasons discussed below, the Commission does not believe it would be appropriate to permit the extended timeframes for reporting this information requested by the commenter. The Commission—when amending Rule 3a71–6 to make substituted compliance available for Rule 18a–7—explained the importance of reporting.[18] In particular, the reporting requirements are integral to the ability of the Commission to effectively examine and inspect regulated firms' compliance with applicable securities laws.[19] Further, the reports are used to determine which firms are engaged in various securities-related activities, and how economic events and government policies may affect segments of the securities industry.[20] In addition, the reports are important for protecting customers against the risks involved in having their securities held by a third party.[21] Finally, the reporting requirements promote transparency of the financial and operational condition of firms registered with the Commission.[22] In light of these considerations, Rule 3a71–6 states, in pertinent part, that prior to making a substituted compliance determination regarding SBS Entity reporting requirements, the Commission intends to consider (in addition to any conditions imposed) whether the foreign financial regulatory system's required reports, the *timeframes for reporting information,* the accounting standards governing the reports, and the required format of the reports are comparable to applicable provisions arising under the Exchange Act and its rules and regulations and would permit the Commission to examine and inspect regulated firms' compliance with applicable securities laws.[23]

Rule 18a–7 requires SBS Entities without a prudential regulator to file the FOCUS Report Part II on a monthly basis 17 business days after the end of the month. As stated above, the commenter requests that Covered Entities without a prudential regulator be permitted to file the financial and operational information on a quarterly basis (if that is the filing frequency in their home jurisdiction) and 14 or 30 days after the deadlines for filing information in their home jurisdiction. Permitting quarterly filing and tying the deadline to local requirements would significantly delay the Commission's receipt of the financial and operational information and result in the filing of information that is multiple months old. Therefore, for the reasons discussed above, the Commission does not believe it would be appropriate to permit the timeframes requested by the commenter.

[13] The comments are available at: *https://www.sec.gov/comments/s7-16-20/s71620.htm* (Germany); *https://www.sec.gov/comments/s7-22-20/s72220.htm* (France); and *https://www.sec.gov/comments/s7-04-21/s70421.htm* (United Kingdom).

[14] *See* paragraph (a) of the ordering language below. Covered Entities may file the FOCUS Reports Part II and Part IIC (as applicable) pursuant to instructions on the Commission's website if the SEC eFOCUS system is not ready to receive them by the required first filing deadline and, thereafter, until the SEC eFOCUS system is ready to receive the FOCUS Reports.

[15] *See* 17 CFR 240.18a–7(a)(1) and (2).

[16] *See, e.g.,* Letter from Kyle Brandon, Managing Director, Head of Derivative Policy, SIFMA (Dec. 8, 2020) (''SIFMA Letter re: Proposed Order (Germany)'') at 8; Letter from Jan Ford, Head of Compliance, Americas and Co-Head of SBS Council, Deutsche Bank, and Gary Kane, Co-Head Institutional Client Group, Americas and Co-Head of SBS Council, Deutsche Bank (Dec. 8, 2020) (''Deutsche Bank Letter re: Proposed Order (Germany)'') at 2; Letter from Kyle Brandon, Managing Director, Head of Derivative Policy, SIFMA (Jan. 25, 2021) (''SIFMA Letter re: Proposed Order (France)'') at 16; Letter from Kyle L. Brandon, Managing Director, Head of Derivatives Policy, SIFMA (May 3, 2021) (''SIFMA Letter re: Proposed Order (UK)'') at Appendix B.

[17] SIFMA Letter re: Proposed Order (UK) at Appendix B.

[18] *See* Recordkeeping and Reporting Adopting Release, 84 FR at 68598.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *See* 17 CFR 240.3a71–6; Recordkeeping and Reporting Adopting Release, 84 FR at 68598.

However, the Commission does believe it would be appropriate to permit the filing deadline to be 35 calendar days after the month end. This would align with the 35-day filing deadline for Covered Entities with a prudential regulator (discussed below).

Rule 18a–7 requires SBS Entities with a prudential regulator to file the FOCUS Report Part IIC 30 calendar days after the end of the quarter. The commenter requests that Covered Entities with a prudential regulator be permitted to file the financial and operational information 14 or 30 days after the deadlines for filing information in their home jurisdiction. As discussed above, tying the deadline to local requirements would significantly delay the Commission's receipt of the financial and operational information and result in the filing of information that is several months old. Therefore, for the reasons discussed above, the Commission does not believe it would be appropriate to permit the timeframes requested by the commenter. However, the Commission believes it would be appropriate to permit the filing deadline to be 35 days after the quarter end. The Commission understands that the U.S. prudential regulators permit certain U.S. banks to file their financial reports 35 days after the quarter end. The Commission does not believe this modest increase in the number of days Covered Entities have to file the FOCUS Report Part II or Part IIC would implicate the concerns discussed above about receiving stale information.

Under the order, a Covered Entity without a prudential regulatory must file the FOCUS Report Part II 35 calendar days after the end of the month.[24] A Covered Entity with a prudential regulator must file the FOCUS Report Part IIC 35 calendar days after the end of the quarter. [25]

B. Format of Filing

i. Complete a Specified Set of Line Items on the FOCUS Report

Part II and Part IIC of the FOCUS Report elicit financial and operational information about the filer through sections consisting of uniquely numbered line items. The information (*e.g.,* a number or dollar amount) is entered into the line items. Under Rule 18a–7, an SBS Entity must use Part II or Part IIC of the FOCUS Report to submit required financial and operational information by filling out all applicable line items on the form. Commenters requested that Covered Entities be allowed to file other reports instead of or in combination with extracts from filings made with home country supervisors in lieu of filing the information elicited in Part II or Part IIC of the FOCUS Report.[26]

As discussed above, the Commission's ability to monitor and supervise SBS Entities will be facilitated by having all firms file periodic unaudited financial and operational information through the eFOCUS systems. The eFOCUS systems are configured to receive information formatted to Part II and Part IIC of the FOCUS Report and the line items contained on the forms. Consequently, information formatted to other types of report templates or free-form information cannot be input into the systems. Moreover, having all firms enter information in the uniquely numbered line items on Part II or Part IIC of the FOCUS Report will facilitate cross firm comparisons. If firms use different forms or report information without using the template of a common form, the Commission staff would need to manually merge the data, and even then, there would be omissions when the other form does not have a parallel line item.

However, the Commission sought comment in the proposed substituted compliance orders for Germany, France, and the United Kingdom on whether it would be appropriate initially for Covered Entities to report information elicited by a limited subset of the applicable line items on Part II and Part IIC of the FOCUS Report rather than all applicable line items. Commenters supported this approach and a commenter indicated the line items on the two forms that Covered Entities could complete with information that they report pursuant to other requirements.[27] The Commission believes it would be appropriate initially to limit the line items that Covered Entities complete on Part II or Part IIC of the FOCUS Report (as applicable) to information they draw from other reports or otherwise produce. This will allow them to use existing systems and processes for calculating and producing the information reported on the FOCUS Report Part II or Part IIC (as applicable), while still producing information that will facilitate the Commission's effective oversight of these entities. During this initial period, the Commission will evaluate whether it would be appropriate to require additional information to be reported by these filers in order to achieve a comparable regulatory outcome to the FOCUS Report filing requirements of Rule 18a–7. For these reasons, the order requires Covered Entities to complete a limited set of applicable line items on Part II or Part IIC of the FOCUS Report (as applicable).[28]

ii. Report Information On A Consolidated or Unconsolidated Basis

A commenter requested that Covered Entities be permitted to present the financial and operational information in the filings at the entity-level of the Covered Entity on either a consolidated or unconsolidated basis depending on the reporting basis the Covered Entity uses in its home jurisdiction.[29] The Commission believes it would be appropriate for the purposes of this order to permit Covered Entities to present the information in Part II or Part IIC of the FOCUS Report (as applicable) at the entity level of the Covered Entity on the same basis (consolidated or unconsolidated) that the Covered Entity presents information in the financial reports it files in its home jurisdiction.[30] This will avoid Covered Entities having to prepare two sets of financial statements: One for their home jurisdiction and one for the purposes of this order, while still producing information that will facilitate the Commission's effective oversight of these entities.

iii. Covered Entities Without a Prudential Regulator Must Complete the Regulatory Capital Section of Part IIC of the FOCUS Report

The Commission has issued substituted compliance orders that

[24] *See* paragraph (a)(1) of the ordering language below.

[25] *See* paragraph (a)(2) of the ordering language below.

[26] *See* SIFMA Letter re: Proposed Order (Germany) at 8; Deutsche Bank Letter re: Proposed Order (Germany) at 2; SIFMA Letter re: Proposed Order (France) at 15.

[27] *See, e.g.,* SIFMA Letter re: Proposed Order (UK) at Appendix B.

[28] *See* paragraph (b) of the ordering language below. The minimum required line items are highlighted on Part II of the FOCUS Report attached as Appendix A (if not prudentially regulated) or Part IIC of the FOCUS Report attached as Appendix B (if prudentially regulated). An SBS Entity may report information elicited in other line items on the applicable FOCUS Report if it chooses to do so. Further, as is the case with SBS Entities, Covered Entities must complete required line items *if applicable.* For example, under this order, Covered Entities will need to complete line items linked to Exchange rule 18a–4 (''Rule 18a–4''). 17 CFR 240.18a–4. However, the Commission expects most, if not all, Covered Entities will operate under an exemption to the segregation requirements of Rule 18a–4. Almost all the line items linked to Rule 18a–4 apply if the Covered Entity is not operating under the exemption. Therefore, a Covered Entity operating under the exemption need not complete these line items (there is a line item to indicate the firm is operating under the exemption, which will need to be completed if applicable).

[29] *See* SIFMA Letter re: Proposed Order (UK) at Appendix B.

[30] *See* paragraph (c) of the ordering language below.

permit Covered Entities to apply substituted compliance with respect to the capital requirements of Rule 18a–1 applicable to Covered Entities without a prudential regulator subject to certain conditions. One of the conditions is that the Covered Entity is subject to and complies with specified capital requirements in the firm's home jurisdiction. The capital requirements in the home jurisdictions addressed in the substituted compliance orders are based on the international capital standard for banks (''Basel capital standard'').[31] Part IIC of the FOCUS Report—because it is used by prudentially regulated SBS Entities—includes a section to report the firm's capital computation under the Basel capital standard. Conversely, Part II of the FOCUS Report includes sections to report capital computations under Exchange Act rule 15c3–1 [32] and Rule 18a–1. It does not contain a section to report a capital computation under the Basel capital standard. Moreover, as discussed above, substituted compliance with Rule 18a-7 is conditioned on a Covered Entity without a prudential regulator applying substituted compliance with respect to Rule 18a–1.

For these reasons, the order provides that Covered Entities without a prudential regulator must complete the Regulatory Capital section from Part IIC of the FOCUS Report, rather than completing the Computation of Net Capital and Computation of Minimum Regulatory Capital Requirements sections from Part II of the FOCUS Report.[33] Because Part II of the FOCUS Report does not include a section to calculate capital under the Basel capital standard, the version of that form attached to this order has been modified to include the capital calculation section from Part IIC of the FOCUS Report.

iv. Report Basel Capital Standard Calculation Pursuant to Home Country Requirements

A commenter requested that the Commission permit a Covered Entity to complete the capital line items in the filings, if the FOCUS Report Part IIC is used as the filing form, in a manner consistent with its home jurisdiction's capital standards and related reporting requirements.[34] The Commission believes this accommodation to local reporting requirements would be appropriate for Covered Entities with a prudential regulator and for Covered Entities without a prudential regulator applying substituted compliance for the capital requirements of Rule 18a–1. This will avoid these firms having to perform and present two Basel capital calculations (one pursuant to local requirements and one pursuant to U.S. requirements). Moreover, the Basel capital standard is an international standard that has been adopted in the U.S. and in jurisdictions where substituted compliance is available for capital. Therefore, requirements for how firms calculate capital pursuant to the Basel capital standard generally should be similar. Consequently, even though the capital section of Part IIC of the FOCUS Report requires SBS Entities to complete the Regulatory Capital section using the instructions accompanying form FFIEC 031 (''Call Report''), Covered Entities completing the capital section of Part IIC of the FOCUS Report pursuant to this order may rely on local requirements to present the information on this section of the FOCUS Report.[35]

v. Report GAAP Used In Memo Field to the FOCUS Report

As discussed above, the manner and format condition in the Commission's substituted compliance orders requires Covered Entities to file periodic unaudited financial and operational information with the Commission or its designee in the manner and format required by Commission rule or order and present the financial information in the filing in accordance with GAAP that the Covered Entity uses to prepare general purpose publicly available or available to be issued financial statements in the home jurisdiction. Under this order, the Covered Entity must notify the Commission in a memorandum field accompanying the FOCUS Report the GAAP it uses to present the financial information in the filing.[36] This will allow the Commission to better understand the information presented in the FOCUS Report and how it may differ from information reported by SBS Entities pursuant to U.S. GAAP.

vii. Follow FOCUS Report Instructions Unless Inconsistent With This Order

Finally, the Covered Entity must follow the instructions for completing the FOCUS Report Part II or Part IIC, as applicable, to the extent the instructions are not inconsistent with the provisions of the order.[37] This includes presenting information in U.S. dollars (not in local currencies).[38] However, a prudentially regulated Covered Entity filing the FOCUS Report Part IIC need not follow instructions referring to line items on the Call Report to the extent the Covered Entity does not report the required information in a Call Report pursuant to that instruction.[39]

III. Conclusion

It is hereby ordered that a Covered Entity must meet the manner and format condition in a Commission order granting conditional substituted compliance with respect Exchange Act rule 18a–7 by:

(a)(1) If not prudentially regulated, filing through the SEC eFOCUS system a FOCUS Report Part II 35 calendar days after the end of each month; or

(2) If prudentially regulated, filing through the SEC eFOCUS system the FOCUS Report Part IIC 35 calendar days after the end of each quarter;

(b)(1) If not prudentially regulated, entering the required information on the line items (as applicable) highlighted on the FOCUS Report Part II attached as Appendix A to this order on the FOCUS Report Part II filed pursuant to paragraph (a)(1) above; or

(2) If prudentially regulated, entering the required information on the line items (as applicable) highlighted on the FOCUS Report Part IIC attached as Appendix B to this order on the FOCUS

[31] *See, e.g.,* BCBS, The Basel Framework, available at: *https://www.bis.org/basel_framework/.*

[32] 17 CFR 240.15c3–1.

[33] *See* paragraph (d) of the ordering language below. Initially, Covered Entities without a prudential regulator will need to file the FOCUS Report Part II and the FOCUS Report Part IIC (with only the Regulatory Capital section completed in the FOCUS Report Part IIC). Eventually, the SEC eFOCUS may be configured so that Covered Entities using Part II of the FOCUS Report to meet the manner and format condition will be able to report a capital calculation under the Basel capital standard using the relevant section from the FOCUS Report Part IIC without having to separately file the FOCUS Report Part IIC.

[34] *See* SIFMA Letter re: Proposed Order (Germany) at 8; SIFMA Letter re: Proposed Order (France) at 15.

[35] *See* paragraph (d) of the ordering language below.

[36] *See* paragraph (e) of the ordering language below. In particular, the Covered Entity will need to report this information in the memorandum field for line item 12003 or 12004 (as applicable) of the FOCUS Report Part II if not prudentially regulated or line item 12758 or 12759 (as applicable) of the FOCUS Report Part IIC if prudentially regulated. Covered Entities may include this GAAP notice with the FOCUS Reports Part II and Part IIC (as applicable) filed pursuant to instructions on the Commission's website if the SEC eFOCUS system is not ready to receive them by the required first filing deadline and, thereafter, until the SEC eFOCUS system is ready to receive the FOCUS Reports.

[37] *See* paragraph (f) of the ordering language below.

[38] Covered Entities may convert local currencies at a ''top-line'' level to U.S. dollars at the spot rate applicable on the ''as of'' date of the reported amount.

[39] If the Covered Entity files a Call Report in the U.S. with a prudential regulator pursuant to the instructions for the Call Report, it should follow the instructions in the FOCUS Report Part IIC to report information in that report to the extent the same information is reported by the Covered Entity in the Call Report.

Report Part IIC filed pursuant to paragraph (a)(2) above;

(c) Presenting the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above at the entity level of the Covered Entity on the same basis (consolidated or unconsolidated) that the Covered Entity presents information in the financial reports it files in its home jurisdiction;

(d) Completing the Regulatory Capital section of the FOCUS Report Part IIC and presenting the information in that section in accordance with the reporting requirements of the Covered Entity's home jurisdiction;

(e) Identifying the generally accepted accounting principles being used to present the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above in the memo field for line item 12003, 12004, 12758, or 12759 (as applicable) of the report in the SEC eFOCUS system; and

(f) Reporting the information in the FOCUS Report Part II or Part IIC (as applicable) filed pursuant to paragraph (a) above in accordance with the instructions for those reports; except that the Covered Entity can report the information:

(1) In a manner consistent with a condition of this order, if the instruction conflicts with the condition; or

(2) In a manner consistent with the requirements of its home jurisdiction, if the instruction on the FOCUS Report Part IIC requires information submitted on the Call Report and the Covered Entity does not report the required information on a Call Report.

By the Commission.

Dated: October 14, 2021.

Eduardo A. Aleman,

Deputy Secretary.

BILLING CODE 8011–01–P

Form X-17A-5 FOCUS Report Part II Cover Page	UNITED STATES SECURITIES AND EXCHANGE COMMISSION FOCUS REPORT (FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT) Part II 11 (Please read instructions before preparing Form)	OMB APPROVAL OMB Number: 3235-0123 Expires: Estimated average burden hours per response:

This report is being filed by a/an:

1) Broker-dealer not registered as an SBSD or MSBSP (stand-alone broker-dealer) ☐ 12000
2) Broker-dealer registered as an SBSD (broker-dealer SBSD) ☐ 12001
3) Broker-dealer registered as an MSBSP (broker-dealer MSBSP) ☐ 12002
4) SBSD without a prudential regulator and not registered as a broker-dealer (stand-alone SBSD) ☐ 12003
5) MSBSP without a prudential regulator and not registered as a broker-dealer (stand-alone MSBSP) ☐ 12004

Check here if respondent is an OTC derivatives dealer ☐ 12005

This report is being filed by a: Firm authorized to use models ☐ 12006 U.S. person ☐ 12007 Non-U.S. person ☐ 12008

This report is being filed pursuant to (check applicable block(s)):

1) Rule 17a-5(a) ☐ 16
2) Rule 17a-5(b) ☐ 17
3) Special request by DEA or the Commission ☐ 19
4) Rule 18a-7 ☐ 12999
5) Other (explain: _____) ☐ 26

NAME OF REPORTING ENTITY		SEC FILE NO.	
	13		14
ADDRESS OF PRINCIPAL PLACE OF BUSINESS (Do not use P.O. Box No.)		FIRM ID NO.	
	20		15
(No. and Street)		FOR PERIOD BEGINNING (MM/DD/YY)	
(City) 21 (State/Province) 22 (Zip Code) 23		AND ENDING (MM/DD/YY)	24
(Country) 12009			25

NAME OF PERSON TO CONTACT IN REGARD TO THIS REPORT	EMAIL ADDRESS	(AREA CODE) TELEPHONE NO.
30	12010	31

NAME(S) OF SUBSIDIARIES OR AFFILIATES CONSOLIDATED IN THIS REPORT		OFFICIAL USE	
	32		33
	34		35
	36		37
	38		39

Is this report consolidated or unconsolidated? Consolidated ☐ 198 Unconsolidated ☐ 199

Does respondent carry its own customer or security-based swap customer accounts? Yes ☐ 40 No ☐ 41

Check here if respondent is filing an audited report ☐ 42

EXECUTION: The registrant submitting this Form and its attachments and the person(s) by whom it is executed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements, and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements, and schedules remain true, correct and complete as previously submitted.

Dated the _____ day of _____, 2____.

Signatures of:	Names of:	
1) _____	_____	12011
Principal Executive Officer or Comparable Officer	Principal Executive Officer or Comparable Officer	
2) _____	_____	12012
Principal Financial Officer or Comparable Officer	Principal Financial Officer or Comparable Officer	
3) _____	_____	12013
Principal Operations Officer or Comparable Officer	Principal Operations Officer or Comparable Officer	

ATTENTION: Intentional misstatements and/or omissions of facts constitute federal criminal violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).)

Name of Firm: _____

As of: _____

Persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

FOCUS Report Part II

STATEMENT OF FINANCIAL CONDITION

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

ASSETS

Assets	Allowable	Non-Allowable	Total
1. Cash	$ 200	$ 12014	$ 750
2. Cash segregated in compliance with federal and other regulations	$ 210		$ 760
3. Receivables from brokers/dealers and clearing organizations			
A. Failed to deliver			
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$ 220		
2. Other	$ 230		$ 770
B. Securities borrowed			
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$ 240		
2. Other	$ 250		$ 780
C. Omnibus accounts			
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$ 260		
2. Other	$ 270		$ 790
D. Clearing organizations			
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a, or the CEA	$ 280		
2. Other	$ 290		$ 800
E. Other	$ 300	$ 550	$ 810
4. Receivables from customers			
A. Securities accounts			
1. Cash and fully secured accounts	$ 310		
2. Partly secured accounts	$ 320	$ 560	
3. Unsecured accounts		$ 570	
B. Commodity accounts	$ 330	$ 580	
C. Allowance for doubtful accounts	$ (335)	$ (590)	$ 820
5. Receivables from non-customers			
A. Cash and fully secured accounts	$ 340		
B. Partly secured and unsecured accounts	$ 350	$ 600	$ 830
6. Excess cash collateral pledged on derivative transactions	$ 12015	$ 12016	$ 12017
7. Securities purchased under agreements to resell	$ 360	$ 605	$ 840
8. Trade date receivable	$ 292		$ 802
9. Total net securities, commodities, and swaps positions	$ 12019	$ 12022	$ 12024
10. Securities borrowed under subordination agreements and partners' individual and capital securities accounts, at market value			
A. Exempted securities $ 150			
B. Other $ 160	$ 460	$ 630	$ 880
11. Secured demand notes – market value of collateral			
A. Exempted securities $ 170			
B. Other $ 180	$ 470	$ 640	$ 890

Name of Firm:

As of:

FOCUS Report Part II	STATEMENT OF FINANCIAL CONDITION
	Items on this page to be reported by a: Stand-Alone Broker-Dealer Stand-Alone SBSD Broker-Dealer SBSD Stand-Alone MSBSP Broker-Dealer MSBSP

Assets	Allowable	Non-Allowable	Total
12. Memberships in exchanges			
A. Owned, at market value $ 190			
B. Owned at cost		$ 650	
C. Contributed for use of company, at market value		$ 660	$ 900
13. Investment in and receivables from affiliates, subsidiaries and associated partnerships	$ 480	$ 670	$ 910
14. Property, furniture, equipment, leasehold improvements and rights under lease agreements At cost (net of accumulated depreciation and amortization)	$ 490	$ 680	$ 920
15. Other assets			
A. Dividends and interest receivable	$ 500	$ 690	
B. Free shipments	$ 510	$ 700	
C. Loans and advances	$ 520	$ 710	
D. Miscellaneous	$ 530	$ 720	
E. Collateral accepted under ASC 860	$ 536		
F. SPE Assets	$ 537		$ 930
16. TOTAL ASSETS	$ 540	$ 740	$ 940

Note: Stand-alone MSBSPs should only complete the Allowable and Total columns.

Name of Firm:

As of:

FOCUS Report Part II

STATEMENT OF FINANCIAL CONDITION

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

LIABILITIES AND OWNERSHIP EQUITY

Liabilities	A.I. Liabilities		Non-A.I. Liabilities		Total	
17. Bank loans payable						
A. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a, or the CEA	$	1030	$	1240	$	1460
B. Other	$	1040	$	1250	$	1470
18. Securities sold under repurchase agreements			$	1260	$	1480
19. Payable to brokers/dealers and clearing organizations						
A. Failed to receive						
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$	1050	$	1270	$	1490
2. Other	$	1060	$	1280	$	1500
B. Securities loaned						
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$	1070			$	1510
2. Other	$	1080	$	1290	$	1520
C. Omnibus accounts						
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a	$	1090			$	1530
2. Other	$	1095	$	1300	$	1540
D. Clearing organizations						
1. Includible in segregation requirement under 17 CFR 240.15c3-3 and its appendices or 17 CFR 240.18a-4 and 18a-4a, or the CEA	$	1100			$	1550
2. Other	$	1105	$	1310	$	1560
E. Other	$	1110	$	1320	$	1570
20. Payable to customers						
A. Securities accounts – including free credits of 950	$	1120			$	1580
B. Commodities accounts	$	1130	$	1330	$	1590
21. Payable to non-customers						
A. Securities accounts	$	1140	$	1340	$	1600
B. Commodities accounts	$	1150	$	1350	$	1610
22. Excess cash collateral received on derivative transactions	$	12025	$	12026	$	12027
23. Trade date payable	$	12031	$	12037	$	1562
24. Total net securities, commodities, and swaps positions	$	12032	$	12038	$	12044
25. Accounts payable and accrued liabilities and expenses						
A. Drafts payable	$	1160			$	1630
B. Accounts payable	$	1170			$	1640
C. Income taxes payable	$	1180			$	1650
D. Deferred income taxes			$	1370	$	1660
E. Accrued expenses and other liabilities	$	1190			$	1670
F. Other	$	1200	$	1380	$	1680
G. Obligation to return securities	$	12033	$	1386	$	1686
H. SPE liabilities	$	12045	$	1387	$	1687

Name of Firm:

As of:

FOCUS Report Part II

STATEMENT OF FINANCIAL CONDITION

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

Liabilities	A.I. Liabilities		Non-A.I. Liabilities		Total	
26. Notes and mortgages payable						
A. Unsecured	$	1210			$	1690
B. Secured	$	1211	$	1390	$	1700
27. Liabilities subordinated to claims of creditors						
A. Cash borrowings			$	1400	$	1710
1. From outsiders $		970				
2. Includes equity subordination (Rule 15c3-1(d) or Rule 18a-1(g)) of $		980				
B. Securities borrowings, at market value			$	1410	$	1720
1. From outsiders $		990				
C. Pursuant to secured demand note collateral agreements			$	1420	$	1730
1. From outsiders $		1000				
2. Includes equity subordination (Rule 15c3-1(d) or Rule 18a-1(g)) of $		1010				
D. Exchange memberships contributed for use of company, at market value			$	1430	$	1740
E. Accounts and other borrowings not qualified for net capital purposes	$	1220	$	1440	$	1750
28. **TOTAL LIABILITIES**	$	1230	$	1450	$	1760

Ownership Equity						
29. Sole proprietorship					$	1770
30. Partnership and limited liability company – including limited partners/members	$	1020			$	1780
31. Corporation						
A. Preferred stock			$	1791		
B. Common stock			$	1792		
C. Additional paid-in capital			$	1793		
D. Retained earnings			$	1794		
E. Accumulated other comprehensive income			$	1797		
F. Total					$	1795
G. Less capital stock in treasury					$( )	1796
32. **TOTAL OWNERSHIP EQUITY** (sum of Line Items 1770, 1780, 1795, and 1796)					$	1800
33. **TOTAL LIABILITIES AND OWNERSHIP EQUITY** (sum of Line Items 1760 and 1800)					$	1810

Name of Firm:

As of:

FOCUS Report Part II

COMPUTATION OF NET CAPITAL (FILER AUTHORIZED TO USE MODELS)

Items on this page to be reported by a: Stand-Alone Broker-Dealer (Authorized to use models)
Stand-Alone SBSD (Authorized to use models)
Broker-Dealer SBSD (Authorized to use models)
Broker-Dealer MSBSP (Authorized to use models)

Computation of Net Capital

1. Total ownership equity from Item 1800			$ 3480
2. Deduct ownership equity not allowable for net capital			$( ) 3490
3. Total ownership equity qualified for net capital			$ 3500
4. Add:			
A. Liabilities subordinated to claims of creditors allowable in computation of net capital			$ 3520
B. Other (deductions) or allowable credits (list)			$ 3525
5. Total capital and allowable subordinated liabilities			$ 3530
6. Deductions and/or charges			
A. Total nonallowable assets from Statement of Financial Condition		$ 3540	
1. Additional charges for customers' and non-customers' security accounts		$ 3550	
2. Additional charges for customers' and non-customers' commodity accounts		$ 3560	
3. Additional charges for customers' and non-customers' security-based swap accounts		$ 12047	
4. Additional charges for customers' and non-customers' swap accounts		$ 12048	
B. Aged fail-to-deliver		$ 3570	
1. Number of items	3450		
C. Aged short security differences – less			
reserve of	3460	$ 3580	
number of items	3470		
D. Secured demand note deficiency		$ 3590	
E. Commodity futures contracts and spot commodities – proprietary capital charges		$ 3600	
F. Other deductions and/or charges		$ 3610	
G. Deductions for accounts carried under Rules 15c3-1(a)(6) and (c)(2)(x)		$ 3615	
H. Total deductions and/or charges (sum of Lines 6A-6G)			$( ) 3620
7. Other additions and/or allowable credits (list)			$ 3630
8. Tentative net capital			$ 3640
9. Market risk exposure – for VaR firms (sum of Lines 9E, 9F, 9G, and 9H)			$ 3677
A. Total value at risk (sum of Lines 9A1-9A5)		$ 3634	
Value at risk components			
1. Fixed income VaR	$ 3636		
2. Currency VaR	$ 3637		
3. Commodities VaR	$ 3638		
4. Equities VaR	$ 3639		
5. Credit derivatives VaR	$ 3641		
B. Diversification benefit		$ ( ) 3642	
C. Total diversified VaR (sum of Lines 9A and 9B)		$ 3643	
D. Multiplication factor		$ 3645	
E. Subtotal (Line 9C multiplied by Line 9D)		$ 3655	
F. Deduction for specific risk, unless included in Lines 9A-9E above		$ 3646	

Name of Firm:
As of:

FOCUS Report Part II

COMPUTATION OF NET CAPITAL (FILER AUTHORIZED TO USE MODELS)

Items on this page to be reported by a: Stand-Alone Broker-Dealer (Authorized to use models); Stand-Alone SBSD (Authorized to use models); Broker-Dealer SBSD (Authorized to use models); Broker-Dealer MSBSP (Authorized to use models)

G. Risk deduction using scenario analysis (sum of Lines 9G1-9G5)		$	3647
1. Fixed income	$ 3648		
2. Currency	$ 3649		
3. Commodities	$ 3651		
4. Equities	$ 3652		
5. Credit derivatives	$ 3653		
H. Residual marketable securities (see Rule 15c3-1(c)(2)(vi) or 18a-1(c)(1)(vii), as applicable)		$ 3665	
10. Market risk exposure – for Basel 2.5 firms (sum of Lines 10E, 10H, 10I, 10J, 10K, 10L, 10M, 10N, and 10O)			$ 12776
A. Total value at risk (sum of Lines 10A1-10A5)		$ 12762	
Value at risk components			
1. Fixed income VaR	$ 12758		
2. Currency VaR	$ 12759		
3. Commodities VaR	$ 12760		
4. Equities VaR	$ 12761		
5. Credit derivatives VaR	$ 12029		
B. Diversification benefit		$ ( ) 12763	
C. Total diversified VaR (sum of Line 10A and 10B)		$ 12030	
D. Multiplication factor		$ 12764	
E. Subtotal (Line 10C is multiplied by Line 10D)		$ 12765	
F. Total stressed VaR (SVaR)		$ 12766	
G. Multiplication factor		$ 12767	
H. Subtotal (Line 10F multiplied by Line 10G)		$ 12768	
I. Incremental risk charge (IRC)		$ ( ) 12769	
J. Comprehensive risk measure (CRM)		$ 12770	
K. Specific risk – standard specific market risk (SSMR)		$ 12771	
L. Specific risk – securitization (SFA / SSFA)		$ 12772	
M. Alternative method for equities under Appendix A to Rule 15c3-1 or Rule 18a-1a, as applicable		$ 12773	
N. Residual positions		$ 12774	
O. Other		$ 12775	
11. Credit risk exposure for certain counterparties (see Appendix E to Rule 15c3-1 or Rule 18a-1(e)(2), as applicable)			
A. Counterparty exposure charge (add Lines 11A1 and 11A2)			$ 3676
1. Net replacement value default, bankruptcy	$ 12049		
2. Credit equivalent amount exposure to the counterparty multiplied by the credit-risk weight of the counterparty multiplied by 8%	$ 12050		
B. Concentration charge			$ 3659
1. Credit risk weight ≤20%	$ 3656		
2. Credit risk weight >20% and ≤50%	$ 3657		
3. Credit risk weight >50%	$ 3658		
C. Portfolio concentration charge			$ 3678
12. Total credit risk exposure (add Lines 11A, 11B and 11C)			$ 3688
13. Net capital (for VaR firms, subtract Lines 9 and 12 from Line 8) (for Basel 2.5 firms, subtract Lines 10 and 12 from Line 8)			$ 3750

Name of Firm:

As of:

FOCUS Report Part II

COMPUTATION OF NET CAPITAL (FILER NOT AUTHORIZED TO USE MODELS)

Items on this page to be reported by a: Stand-Alone Broker-Dealer (Not Authorized to use models)
Stand-Alone SBSD (Not Authorized to use models)
Broker-Dealer SBSD (Not Authorized to use models)
Broker-Dealer MSBSP (Not Authorized to use models)

Computation of Net Capital

1. Total ownership equity from Item 1800			$ 3480
2. Deduct ownership equity not allowable for net capital			$ ( ) 3490
3. Total ownership equity qualified for net capital			$ 3500
4. Add:			
A. Liabilities subordinated to claims of creditors allowable in computation of net capital			$ 3520
B. Other (deductions) or allowable credits (list)			$ 3525
5. Total capital and allowable subordinated liabilities			$ 3530
6. Deductions and/or charges			
A. Total nonallowable assets from Statement of Financial Condition	$ 3540		
1. Additional charges for customers' and non-customers' security accounts	$ 3550		
2. Additional charges for customers' and non-customers' commodity accounts	$ 3560		
3. Additional charges for customers' and non-customers' security-based swap accounts	$ 12051		
4. Additional charges for customers' and non-customers' swap accounts	$ 12052		
B. Aged fail-to-deliver	$ 3570		
1. Number of items 3450			
C. Aged short security differences-less reserve of $ 3460		$ 3580	
1. Number of items 3470			
D. Secured demand note deficiency	$ 3590		
E. Commodity futures contracts and spot commodities – proprietary capital charges	$ 3600		
F. Other deductions and/or charges	$ 3610		
G. Deductions for accounts carried under Rule 15c3-1(a)(6) and (c)(2)(x)	$ 3615		
H. Total deductions and/or charges			$ ( ) 3620
7. Other additions and/or allowable credits			$ 3630
8. Tentative net capital (net capital before haircuts)			$ 3640
9. Haircuts on securities other than security-based swaps			
A. Contractual securities commitments	$ 3660		
B. Subordinated securities borrowings	$ 3670		
C. Trading and investment securities			
1. Bankers' acceptances, certificates of deposit, commercial paper, and money market instruments	$ 3680		
2. U.S. and Canadian government obligations	$ 3690		
3. State and municipal government obligations	$ 3700		
4. Corporate obligations	$ 3710		
5. Stocks and warrants	$ 3720		
6. Options	$ 3730		
7. Arbitrage	$ 3732		
8. Risk-based haircuts computed under 17 CFR 240.15c3-1a or 17 CFR 240.18a-1a	$ 12028		
9. Other securities	$ 3734		
D. Undue concentration	$ 3650		
E. Other (List:)	$ 3736		
10. Haircuts on security-based swaps	$ 12053		
11. Haircuts on swaps	$ 12054		
12. Total haircuts (sum of Lines 9A-9E, 10, and 11)			$ 3740
13. Net capital (Line 8 minus Line 12)			$ 3750

Name of Firm:
As of:

FOCUS Report Part II

COMPUTATION OF MINIMUM REGULATORY CAPITAL REQUIREMENTS

Items on this page to be reported by a: Stand-Alone Broker-Dealer
Broker-Dealer SBSD (other than OTC Derivatives Dealer)
Broker-Dealer MSBSP

Calculation of Excess Tentative Net Capital (If Applicable)

1. Tentative net capital	$	3640
2. Minimum tentative net capital requirement	$	12055
3. Excess tentative net capital (difference between Lines 1 and 2)	$	12056
4. Tentative net capital in excess of 120% of minimum tentative net capital requirement reported on Line 2	$	12057

Calculation of Minimum Net Capital Requirement

5. Ratio minimum net capital requirement		
A. 6⅔% of total aggregate indebtedness (Line Item 3840)	$	3756
B. 2% of aggregate debit items as shown in the Formula for Reserve Requirements pursuant to Rule 15c3-3	$	3870
i. Minimum CFTC net capital requirement (if applicable)	$ 7490	
C. Percentage of risk margin amount computed under 17 CFR 240.15c3-1(a)(7)(i) or (a)(10)	$	12058
D. For broker-dealers engaged in reverse repurchase agreements, 10% of the amounts in 17 CFR 240.15c3-1(a)(9)(i)-(iii)	$	12059
E. Minimum ratio requirement (sum of Lines 5A, 5B, 5C, and/or 5D, as applicable)	$	12060
6. Fixed-dollar minimum net capital requirement	$	3880
7. Minimum net capital requirement (greater of Lines 5E and 6)	$	3760
8. Excess net capital (Item 3750 minus Item 3760)	$	3910
9. Net capital and tentative net capital in relation to early warning thresholds		
A. Net capital in excess of 120% of minimum net capital requirement reported on Line 7	$	12061
B. Net capital in excess of 5% of combined aggregate debit items as shown in the Formula for Reserve Requirements pursuant to Rule 15c3-3	$	3920

Computation of Aggregate Indebtedness (If Applicable)

10. Total aggregate indebtedness liabilities from Statement of Financial Condition (Item 1230)	$	3790
11. Add:		
A. Drafts for immediate credit	$ 3800	
B. Market value of securities borrowed for which no equivalent value is paid or credited	$ 3810	
C. Other unrecorded amounts (list)	$ 3820	
D. Total additions (sum of Line Items 3800, 3810, and 3820)	$	3830
12. Deduct: Adjustment based on deposits in Special Reserve Bank Accounts (see Rule 15c3-1(c)(1)(vii))	$	3838
13. Total aggregate indebtedness (sum of Line Items 3790 and 3830)	$	3840
14. Percentage of aggregate indebtedness to net capital (Item 3840 divided by Item 3750)	%	3850
15. Percentage of aggregate indebtedness to net capital *after* anticipated capital withdrawals (Item 3840 divided by Item 3750 less Item 4880)	%	3853

Calculation of Other Ratios

16. Percentage of net capital to aggregate debits (Item 3750 divided by Item 4470)	%	3851
17. Percentage of net capital, *after* anticipated capital withdrawals, to aggregate debits (Item 3750 less Item 4880, divided by Item 4470)	$	3854
18. Percentage of debt to debt-to-equity total, computed in accordance with Rule 15c3-1(d)	%	3860
19. Options deductions/net capital ratio (1000% test) total deductions exclusive of liquidating equity under Rule 15c3-1(a)(6) and (c)(2)(x) divided by net capital	$	3852

Name of Firm:
As of:

FOCUS Report Part II	COMPUTATION OF MINIMUM REGULATORY CAPITAL REQUIREMENTS
	Items on this page to be reported by a: Stand-Alone SBSD SBSD registered as an OTC Derivatives Dealer

Calculation of Excess Tentative Net Capital (If Applicable)

1. Tentative net capital	$	3640
2. Fixed-dollar minimum tentative net capital requirement	$	12062
3. Excess tentative net capital (difference between Lines 1 and 2)	$	12063
4. Tentative net capital in excess of 120% of minimum tentative net capital requirements reported on Line 2	$	12064

Calculation of Minimum Net Capital Requirement

5. Ratio minimum net capital requirement – Percentage of risk margin amount computed under 17 CFR 240.18a-1(a)(1)	$	12065
6. Fixed-dollar minimum net capital requirement	$	3880
7. Minimum net capital requirement (greater of Lines 5 and 6)	$	3760
8. Excess net capital (Item 3750 minus Item 3760)	$	3910
9. Net capital in excess of 120% of minimum net capital requirement reported on Line 7 (Line Item 3750 – [Line Item 3760 x 120%])	$	12066

Name of Firm:

As of:

FOCUS Report Part II	COMPUTATION OF TANGIBLE NET WORTH
	Items on this page to be reported by a: Stand-Alone MSBSP

1. Total ownership equity (from Item 1800)	$	1800
2. Goodwill and other intangible assets	$	12067
3. Tangible net worth (Line 1 minus Line 2)	$	12068

Name of Firm:
As of:

FOCUS Report Part II	REGULATORY CAPITAL (INFORMATION AS REPORTED ON FFIEC FORM 031 – SCHEDULE RC-R)
	Items on this page to be reported by a: Certain Foreign Stand-Alone SBSDs Certain Foreign Stand-Alone MSBSPs

Capital	**Totals**	
1. Total bank equity capital (from FFIEC Form 031's Schedule RC, Line 27A)	$	3210b
2. Tier 1 capital	$	8274b
3. Tier 2 capital	$	5311b
4. Tier 3 capital allocated for market risk	$	1395b
5. Total risk-based capital	$	3792b
6. Total risk-weighted assets	$	A223b
7. Total assets for the leverage ratio	$	A224b

Capital Ratios (Column B is to be completed by all banks. Column A is to be completed by banks with financial subsidiaries.)	**Column A**		**Column B**	
8. Tier 1 leverage ratio	$	7204b		
9. Tier 1 risk based capital ratio	$	7206b	$	7206bb
10. Total risk-based capital ratio	$	7205b	$	7205bb

Name of Firm:

As of:

FOCUS Report Part II

STATEMENT OF INCOME (LOSS) OR STATEMENT OF COMPREHENSIVE INCOME, AS APPLICABLE

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

For the period (MMDDYY from 3932 to 3933 — Number of months included in this statement 3931

REVENUE

1.	Commissions		
	A. Commissions on transactions in listed equity securities executed on an exchange	$	3935
	B. Commissions on transactions in exchange listed equity securities executed over-the-counter	$	3937
	C. Commissions on listed option transactions	$	3938
	D. All other securities commissions	$	3939
	E. Total securities commissions	$	3940
2.	Gains or losses on firm securities trading accounts		
	A. From market making in over-the-counter equity securities	$	3941
	1. Includes gains or losses on OTC market making in exchange-listed equity securities	$ 3943	
	B. From trading in debt securities	$	3944
	C. From market making in options on a national securities exchange	$	3945
	D. From all other trading	$	3949
	E. Total gains or losses	$	3950
3.	Gains or losses from derivatives trading	$	3926
4.	Gains or losses on firm securities investment accounts		
	A. Includes realized gains or losses	$ 4235	
	B. Includes unrealized gains or losses	$ 4236	
	C. Total realized and unrealized gains or losses	$	3952
5.	Gains or losses from underwriting and selling groups	$	3955
	A. Includes underwriting income from corporate equity securities	$ 4237	
6.	Margin interest	$	3960
7.	Revenue from sale of investment company shares	$	3970
8.	Fees for account supervision, investment advisory and administrative services	$	3975
9.	Revenue from research services	$	3980
10.	Gains or losses on commodities	$	3990
11.	Other revenue related to securities business	$	3985
12.	Other revenue	$	3995
13.	Total revenue	$	4030

EXPENSES

14.	Registered representatives' compensation	$	4110
15.	Clerical and administrative employees' expenses	$	4040
16.	Salaries and other employment costs for general partners, and voting stockholder officers	$	4120
	A. Includes interest credited to general and limited partners' capital accounts	$ 4130	
17.	Floor brokerage paid to certain brokers (see definition)	$	4055
18.	Commissions and clearance paid to all other brokers (see definition)	$	4145
19.	Clearance paid to non-brokers (see definition)	$	4135
20.	Communications	$	4060
21.	Occupancy and equipment costs	$	4080
22.	Promotional costs	$	4150
23.	Interest expense	$	4075
	A. Includes interest on accounts subject to subordination agreements	$ 4070	
24.	Losses in error account and bad debts	$	4170
25.	Data processing costs (including service bureau service charges)	$	4186
26.	Non-recurring charges	$	4190

Name of Firm:

As of:

FOCUS Report Part II

STATEMENT OF INCOME (LOSS) OR STATEMENT OF COMPREHENSIVE INCOME, AS APPLICABLE

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

27. Regulatory fees and expenses	$	4195
28. Other expenses	$	4100
29. Total expenses	$	4200

NET INCOME/COMPREHENSIVE INCOME

30. Income or loss before federal income taxes and items below (Line 13 less Line 29)	$	4210
31. Provision for federal income taxes (for parent only)	$	4220
32. Equity in earnings or losses of unconsolidated subsidiaries not included above	$	4222
A. After federal income taxes of	$	4238
33. Net income or loss after federal income taxes	$	4230
34. Other comprehensive income (loss)	$	4226
A. After federal income taxes of	$	4227
35. Comprehensive income (loss)	$	4228

MONTHLY INCOME

36. Net income (current month only) before comprehensive income and provision for federal income taxes	$	4211

Name of Firm:

As of:

FOCUS Report Part II

CAPITAL WITHDRAWALS

Items on this page to be reported by a: Stand-Alone Broker-Dealer
Stand-Alone SBSD
Broker-Dealer SBSD
Broker-Dealer MSBSP

OWNERSHIP EQUITY AND SUBORDINATED LIABILITIES MATURING OR PROPOSED TO BE WITHDRAWN WITHIN THE NEXT SIX MONTHS AND ACCRUALS, WHICH HAVE NOT BEEN DEDUCTED IN THE COMPUTATION OF NET CAPITAL

Type of Proposed Withdrawal or Accrual (See below for code to enter)		Name of Lender or Contributor		Insider or Outsider? (In or Out)		Amount to be Withdrawn (cash amount and/or Net Capital Value of Securities)		(MMDD/YY) Withdrawal or Maturity Date		Expect to Renew (Yes or No)	
	4600		4601		4602	$	4603		4604		4605
	4610		4611		4612	$	4613		4614		4615
	4620		4621		4622	$	4623		4624		4625
	4630		4631		4632	$	4633		4634		4635
	4640		4641		4642	$	4643		4644		4645
	4650		4651		4652	$	4653		4654		4655
	4660		4661		4662	$	4663		4664		4665
	4670		4671		4672	$	4673		4674		4675
	4680		4681		4682	$	4683		4684		4685
	4690		4691		4692	$	4693		4694		4695
					Total:	$	4699*				

* To agree with the total on Recap (Line Item 4880)

Instructions: Detailed listing must include the total of items maturing during the six month period following the report date, regardless of whether or not the capital contribution is expected to be renewed. This section must also include proposed capital withdrawals scheduled within the six month period following the report date including the proposed redemption of stock and payments of liabilities secured by fixed assets (which are considered allowable assets in the capital computation, which could be required by the lender on demand or in less than six months.

CODE:	DESCRIPTIONS:
1.	Equity capital
2.	Subordinated liabilities
3.	Accruals
4.	Assets not readily convertible into cash

Name of Firm:
As of:

FOCUS Report Part II

CAPITAL WITHDRAWALS
RECAP

Items on this page to be reported by a: Stand-Alone Broker-Dealer
Stand-Alone SBSD
Broker-Dealer SBSD
Broker-Dealer MSBSP

OWNERSHIP EQUITY AND SUBORDINATED LIABILITIES MATURING OR PROPOSED TO BE WITHDRAWN WITHIN THE NEXT SIX MONTHS AND ACCRUALS, WHICH HAVE NOT BEEN DEDUCTED IN THE COMPUTATION OF NET CAPITAL

1.	Equity capital		
	A. Partnership and limited liability company capital		
	1. General partners	$	4700
	2. Limited partners and limited liability company members	$	4710
	3. Undistributed profits	$	4720
	4. Other (describe below)	$	4730
	5. Sole proprietorship	$	4735
	B. Corporation capital		
	1. Common stock	$	4740
	2. Preferred stock	$	4750
	3. Retained earnings (dividends and other)	$	4760
	4. Other (describe below)	$	4770
2.	Subordinated liabilities		
	A. Secured demand notes	$	4780
	B. Cash subordinates	$	4790
	C. Debentures	$	4800
	D. Other (describe below)	$	4810
3.	Other anticipated withdrawals		
	A. Bonuses	$	4820
	B. Voluntary contributions to pension or profit sharing plans	$	4860
	C. Other (describe below)	$	4870
	Total (sum of Lines 1-3):	$	4880

4. Description of Other

_____

_____

_____

STATEMENT OF CHANGES IN OWNERSHIP EQUITY
(SOLE PROPRIETORSHIP, PARTNERSHIP, LLC OR CORPORATION)

1.	Balance, beginning of period			$	4240
	A. Net income (loss) or comprehensive income (loss), as applicable			$	4250
	B. Additions (includes non-conforming capital of	$	4262	$	4260
	C. Deductions (includes non-conforming capital of	$	4272	$	4270
2.	Balance, end of period (from Line Item 1800)			$	4290

STATEMENT OF CHANGES IN LIABILITIES
SUBORDINATED TO CLAIMS OF CREDITORS

3.	Balance, beginning of period	$	4300
	A. Increases	$	4310
	B. Decreases	$ (	4320
4.	Balance, end of period (from Item 3520)	$	4330

Name of Firm:
As of:

FOCUS Report Part II

FINANCIAL AND OPERATIONAL DATA

Items on this page to be reported by a: Stand-Alone Broker-Dealer
Stand-Alone SBSD
Broker-Dealer SBSD
Broker-Dealer MSBSP

	Valuation	Number
1. Month end total number of stock record breaks		
A. Breaks long unresolved for more than three business days	$ 4890	4900
B. Breaks short unresolved for more than seven business days after discovery	$ 4910	4920
2. Is the firm in compliance with Rule 17a-13 or 18a-9, as applicable, regarding periodic count and verification of securities positions and locations at least once in each calendar quarter? (Check one)	Yes ☐ 4930	No ☐ 4940
3. Personnel employed at end of reporting period		
A. Income producing personnel		4950
B. Non-income producing personnel (all other)		4960
C. Total (sum of Lines 3A-3B)		4970
4. Actual number of tickets executed during the reporting period		4980
5. Number of corrected customer confirmations sent after settlement date		4990

	No. of Items	Ledger Amount	Market Value
6. Failed to deliver 5 business days or longer (21 business days or longer in the case of municipal securities)	5360	$ 5361	$ 5362
7. Failed to receive 5 business days or longer (21 business days or longer in the case of municipal securities)	5363	$ 5364	$ 5365

8. Security (including security-based swap) concentrations	
A. Proprietary positions for which there is an undue concentration	$ 5370
B. Customers' and security-based swap customers' accounts under Rules 15c3-3 or 18a-4, as applicable	$ 5374
9. Total of personal capital borrowings due within six months	$ 5378
10. Maximum haircuts on underwriting commitments during the reporting period	$ 5380
11. Planned capital expenditures for business expansion during next six months	$ 5382
12. Liabilities of other individuals or organizations guaranteed by respondent	$ 5384
13. Lease and rentals payable within one year	$ 5386
14. Aggregate lease and rental commitments payable for entire term of the lease	
A. Gross	$ 5388
B. Net	$ 5390

Name of Firm:
As of:

FOCUS Report Part II

FINANCIAL AND OPERATIONAL DATA

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Broker-Dealer MSBSP

Operational Deductions from Capital – Note A

		I No. of Items	II Debits (Short Value) (Omit 000's)	III Credits (Long Value) (Omit 000's)	IV Deductions in Computing Net Capital (Omit Pennies)
1. Money suspense and balancing differences		5610	$ 5810	$ 6010	$ 6012
2. Security suspense and differences with related money balances	L	5620	$ 5820	$ 6020	$ 6022
	S	5625	$ 5825	$ 6025	$ 6027
3. Market value of short and long security suspense and differences without related money balances (other than reported in Line 4, below)		5630	$ 5830	$ 6030	$ 6032
4. Market value of security record breaks		5640	$ 5840	$ 6040	$ 6042
5. Unresolved reconciling differences with others					
A. Correspondents, broker-dealers, SBSDs, and MSBSPs	L	5650	$ 5850	$ 6050	$ 6052
	S	5655	$ 5855	$ 6055	$ 6057
B. Depositories		5660	$ 5860	$ 6060	$ 6062
C. Clearing organizations	L	5670	$ 5870	$ 6070	$ 6072
	S	5675	$ 5875	$ 6075	$ 6077
D. Inter-company accounts		5680	$ 5880	$ 6080	$ 6082
E. Bank accounts and loans		5690	$ 5890	$ 6090	$ 6092
F. Other		5700	$ 5900	$ 6100	$ 6102
G. (Offsetting) Lines 5A through 5F		5720	$(5920	$(6120	
TOTAL (Lines 5A-5G)		5730	$ 5930	$ 6130	$ 6132
6. Commodity differences		5740	$ 5940	$ 6140	$ 6142
7. Open transfers and reorganization account items over 40 days not confirmed or verified		5760	$ 5960	$ 6160	$ 6162
8. TOTAL (Lines 1-7)		5770	$ 5970	$ 6170	$ 6172
9. Lines 1-6 resolved subsequent to report date		5775	$ 5975	$ 6175	$ 6177
10. Aged fails – to deliver		5780	$ 5980	$ 6180	$ 6182
– to receive		5785	$ 5985	$ 6185	$ 6187

NOTE A - This section must be completed as follows:

1. The filers must complete Column IV, Lines 1 through 8 and 10, reporting deductions from capital as of the report date whether resolved subsequently or not (see instructions relative to each line item).
2. Columns I, II and III of Lines 1 through 8 must be completed only if the total deduction on Column IV of Line 8 equals or exceeds 25% of excess net capital as of the prior month end reporting date. All columns of Line 10 require completion.
3. A response to Columns I through IV of Line 9 and the "Potential Operational Charges Not Deducted From Capital-Note B" are required only if:
   A. The parameters cited in Note A-2 exist, and
   B. The total deduction, Line 8, Column IV, for the current month exceeds the total deductions for the prior month by 50% or more.
4. All columns and Lines 1 through 10 must be answered if required. If respondent has nothing to report, enter "0."

Other Operational Data (Items 1, 2 and 3 below require an answer)

Item 1. Have the accounts enumerated on Lines 5A through 5F above been reconciled with statements received from others within 35 days for Lines 5A through 5D and 65 days for Lines 5E and 5F prior to the report date and have all reconciling differences been appropriately comprehended in the computation of net capital at the report date? If this has not been done in all respects, answer No.

Yes _____ 5600
No _____ 5601

Item 2. Do the respondent's books reflect a concentrated position in commodities? If yes, report the totals ($000 omitted) in accordance with the specific instructions. If No, answer "0" for:

A. Firm trading and investment accounts $ _____ 5602

B. Customers' and non-customers' and other accounts $ _____ 5603

Item 3. Does respondent have any planned operational changes? (Answer Yes or No based on specific instructions.)

Yes _____ 5604
No _____ 5605

Name of Firm:

As of:

FOCUS Report Part II

FINANCIAL AND OPERATIONAL DATA

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Broker-Dealer MSBSP

Potential Operational Charges Not Deducted from Capital – Note B

		I No. of Items	II Debits (Short Value) (Report in Thousands)	III Credits (Long Value) (Report in Thousands)	IV Deductions in Computing Net Capital (Omit Pennies)
1. Money suspense and balancing differences		6210	$ 6410	$ 6610	$ 6612
2. Security suspense and differences with related money balances	L	6220	$ 6420	$ 6620	$ 6622
	S	6225	$ 6425	$ 6625	$ 6627
3. Market value of short and long security suspense and differences without related money (other than reported in Line 4, below)		6230	$ 6430	$ 6630	$ 6632
4. Market value of security record breaks		6240	$ 6440	$ 6640	$ 6642
5. Unresolved reconciling differences with others					
A. Correspondents, broker-dealers, SBSDs, and MSBSPs	L	6250	$ 6450	$ 6650	$ 6652
	S	6255	$ 6455	$ 6655	$ 6657
B. Depositories		6260	$ 6460	$ 6660	$ 6662
C. Clearing organizations	L	6270	$ 6470	$ 6670	$ 6672
	S	6275	$ 6475	$ 6675	$ 6677
D. Inter-company accounts		6280	$ 6480	$ 6680	$ 6682
E. Bank accounts and loans		6290	$ 6490	$ 6690	$ 6692
F. Other		6300	$ 6500	$ 6700	$ 6702
G. (Offsetting) Lines 5A through 5F		6310	$ ( ) 6510	$ ( ) 6710	
TOTAL (Lines 5A-5G)		6330	$ 6530	$ 6730	$ 6732
6. Commodity differences		6340	$ 6540	$ 6740	$ 6742
7. TOTAL (Lines 1-6)		6370	$ 6570	$ 6770	$ 6772

NOTE B - This section must be completed as follows:

1. Lines 1 through 6 and Columns I through IV must be completed only if:
   A. The total deductions on Line 8, Column IV, of the "Operational Deductions From Capital-Note A" equal or exceed 25% of excess net capital as of the prior month end reporting date; and
   B. The total deduction on Line 8, Column IV, , of the "Operational Deductions From Capital-Note A" for the current month exceeds the total deductions for the prior month by 50% or more. If respondent has nothing to report, enter "0."
2. Include only suspense and difference items open at the report date which were NOT required to be deducted in the computation of net capital AND which were not resolved seven (7) business days subsequent to the report date.
3. Include in Column IV only additional deductions not comprehended in the computation of net capital at the report date.
4. Include on Lines 5A through 5F unfavorable differences offset by favorable differences at the report date if resolution of the favorable items resulted in additional deductions in the computation of net capital subsequent to the report date.
5. Exclude from Lines 5A through 5F new reconciling differences disclosed as a result of reconciling with the books of account statements received subsequent to the report date.
6. Lines 1 through 5 above correspond to similar lines in the "Operational Deductions From Capita-Note A" and the same instructions should be followed except as stated in Notes B-1 through B-5 above.

FOCUS Report Part II

COMPUTATION FOR DETERMINATION OF CUSTOMER RESERVE REQUIREMENTS

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Broker-Dealer SBSD; Broker-Dealer MSBSP

CREDIT BALANCES

1. Free credit balances and other credit balances in customers' security accounts (see Note A)	$	4340	
2. Monies borrowed collateralized by securities carried for the accounts of customers (see Note B)	$	4350	
3. Monies payable against customers' securities loaned (see Note C)	$	4360	
4. Customers' securities failed to receive (see Note D)	$	4370	
5. Credit balances in firm accounts which are attributable to principal sales to customers	$	4380	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	$	4390	
7. **Market value of short security count differences over 30 calendar days old	$	4400	
8. **Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	$	4410	
9. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days	$	4420	
10. Other (List: _____)	$	4425	
11. TOTAL CREDITS (sum of Lines 1-10)			$ 4430

DEBIT BALANCES

12. **Debit balances in customers' cash and margin accounts, excluding unsecured accounts and accounts doubtful of collection (see Note E)	$	4440	
13. Securities borrowed to effectuate short sales by customers and securities borrowed to make delivery on customers' securities failed to deliver	$	4450	
14. Failed to deliver of customers' securities not older than 30 calendar days	$	4460	
15. Margin required and on deposit with the Options Clearing Corporation for all option contracts written or purchased in customer accounts (see Note F)	$	4465	
16. Margin required and on deposit with a clearing agency registered with the Commission under section 17A of the Exchange Act (15 U.S.C. 78q-1) or a derivatives clearing organization registered with the Commodity Futures Trading Commission under section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) related to the following types of positions written, purchased or sold in customer accounts: (1) security futures products and (2) futures contracts (and options thereon) carried in a securities account pursuant to an SRO portfolio margining rule (see Note G)	$	4467	
17. Other (List: _____)	$	4469	
18. **Aggregate debit items (sum of Lines 12-17)			$ 4470
19. **Less 3% (for alternative method only – see Rule 15c3-1(a)(1)(ii)) (3% x Line Item 4470)			$ 4471
20. **TOTAL DEBITS (Line 18 less Line 19)			$ 4472

RESERVE COMPUTATION

21. Excess of total debits over total credits (Line 20 less Line 11)	$ 4480
22. Excess of total credits over total debits (Line 11 less Line 20)	$ 4490
23. If computation is made monthly as permitted, enter 105% of excess of total credits over total debits	$ 4500
24. Amount held on deposit in "Reserve Bank Account(s)," including $ _____ 4505 value of qualified securities, at end of reporting period	$ 4510
25. Amount of deposit (or withdrawal) including $ _____ 4515 value of qualified securities	$ 4520
26. New amount in Reserve Bank Account(s) after adding deposit or subtracting withdrawal including $ _____ 4525 value of qualified securities	$ 4530
27. Date of deposit (MMDDYY)	$ 4540

FREQUENCY OF COMPUTATION

28. Daily _____ 4332 Weekly _____ 4333 Monthly _____ 4334

** In the event the net capital requirement is computed under the alternative method, this reserve formula must be prepared in accordance with the requirements of paragraph (a)(1)(ii) of Rule 15c3-1.

References to notes in this section refer to the notes to 17 CFR 240.15c3-1a.

Name of Firm: _____

As of: _____

FOCUS Report Part II	POSSESSION OR CONTROL FOR CUSTOMERS
	Items on this page to be reported by a: Stand-Alone Broker-Dealer Broker-Dealer SBSD Broker-Dealer MSBSP

State the market valuation and number of items of:

1. Customers' fully paid securities and excess margin securities not in the respondent's possession or control as of the report date (for which instructions to reduce to possession or control had been issued as of the report date) but for which the required action was not taken by respondent within the time frames specified under Rule 15c3-3. Notes A and B ..... $ _____ 4586

   A. Number of items ..... _____ 4587

2. Customers' fully paid securities and excess margin securities for which instructions to reduce to possession or control had not been issued as of the report date, excluding items arising from "temporary lags which result from normal business operations" as permitted under Rule 15c3-3. Notes B, C and D ..... $ _____ 4588

   A. Number of items ..... _____ 4589

3. The system and procedures utilized in complying with the requirement to maintain physical possession or control of customers' fully paid and excess margin securities have been tested and are functioning in a manner adequate to fulfill the requirements of Rule 15c3-3 ..... Yes _____ 4584 No _____ 4585

Notes:

A – Do not include in Line 1 customers' fully paid and excess margin securities required by Rule 15c3-3 to be in possession or control but for which no action was required by the respondent as of the report date or required action was taken by respondent within the time frames specified under Rule 15c3-3.

B – State separately in response to Lines 1 and 2 whether the securities reported in response thereto were subsequently reduced to possession or control by the respondent.

C – Be sure to include in Line 2 only items not arising from "temporary lags which result from normal business operations" as permitted under Rule 15c3-3.

D – Line 2 must be responded to only with a report which is filed as of the date selected for the broker's or dealer's annual audit of financial statements, whether or not such date is the end of a calendar quarter. The response to Line 2 should be filed within 60 calendar days after such date, rather than with the remainder of this report. This information may be required on a more frequent basis by the Commission or the designated examining authority in accordance with Rule 17a-5(a)(2)(iv).

Name of Firm: _____

As of: _____

FOCUS Report Part II

COMPUTATION FOR DETERMINATION OF PAB REQUIREMENTS

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Broker-Dealer SBSD; Broker-Dealer MSBSP

CREDIT BALANCES

1. Free credit balances and other credit balances in PAB security accounts (see Note A)	$	2110	
2. Monies borrowed collateralized by securities carried for the accounts of PAB (see Note B)	$	2120	
3. Monies payable against PAB securities loaned (see Note C)	$	2130	
4. PAB securities failed to receive (see Note D)	$	2140	
5. Credit balances in firm accounts which are attributable to principal sales to PAB	$	2150	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	$	2152	
7. **Market value of short security count differences over 30 calendar days old	$	2154	
8. **Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	$	2156	
9. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days	$	2158	
10. Other (List: _____)	$	2160	
11. TOTAL PAB CREDITS (sum of Lines 1-10)	$		2170

DEBIT BALANCES

12. Debit balances in PAB cash and margin accounts, excluding unsecured accounts and accounts doubtful of collection (see Note E)	$	2180	
13. Securities borrowed to effectuate short sales by PAB and securities borrowed to make delivery on PAB securities failed to deliver	$	2190	
14. Failed to deliver of PAB securities not older than 30 calendar days	$	2200	
15. Margin required and on deposit with Options Clearing Corporation for all option contracts written or purchased in PAB accounts (see Note F)	$	2210	
16. Margin required and on deposit with a clearing agency registered with the Commission under section 17A of the Exchange Act (15 U.S.C. 78q-1) or a derivatives clearing organization registered with the Commodity Futures Trading Commission under section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) related to the following types of positions written, purchased or sold in PAB accounts: (1) security futures products and (2) futures contracts (and options thereon) carried in a securities account pursuant to an SRO portfolio margining rule (see Note G)	$	2215	
17. Other (List: _____)	$	2220	
18. TOTAL PAB DEBITS (sum of Lines 12-17)	$		2230

RESERVE COMPUTATION

19. Excess of total PAB debits over total PAB credits (Line 18 less Line 11)	$		2240
20. Excess of total PAB credits over total PAB debits (Line 11 less Line 18)	$		2250
21. Excess debits in customer reserve formula computation	$		2260
22. PAB reserve requirement (Line 20 less Line 21)	$		2270
23. Amount held on deposit in Reserve Bank Account(s) including $ _____ 2275 value of qualified securities, at end of reporting period	$		2280
24. Amount of deposit (or withdrawal) including $ _____ 2285 value of qualified securities	$		2290
25. New amount in Reserve Bank Account(s) after adding deposit or subtracting withdrawal including $ _____ 2295 value of qualified securities	$		2300
26. Date of deposit (MMDDYY)			2310

FREQUENCY OF COMPUTATION

27. Daily _____ 2315 Weekly _____ 2320 Monthly _____ 2330

* See notes regarding PAB Reserve Bank Account Computation (Notes 1-10).

** In the event the net capital requirement is computed under the alternative method, this reserve formula must be prepared in accordance with the requirements of paragraph (a)(1)(ii) of Rule 15c3-1.

References to notes in this section refer to the notes to 17 CFR 240.15c3-1a.

Name of Firm: _____

As of: _____

FOCUS Report Part II	CLAIMING AN EXEMPTION FROM RULE 15c3-3
Items on this page to be reported by a:	Stand-Alone Broker-Dealer (if claiming an exemption from Rule 15c3-3) Broker-Dealer SBSD (if claiming an exemption from Rule 15c3-3) Broker-Dealer MSBSP (if claiming an exemption from Rule 15c3-3)

EXEMPTIVE PROVISION UNDER RULE 15c3-3

If an exemption from Rule 15c3-3 is claimed, identify below the section upon which such exemption is based (check all that apply):

A.	(k)(1) – Limited business (mutual funds and/or variable annuities only)		4550
B.	(k)(2)(i) – "Special Account for the Exclusive Benefit of Customers" maintained		4560
C.	(k)(2)(ii) – All customer transactions cleared through another broker-dealer on a fully disclosed basis		
	Name of clearing firm: 4335		4570
D.	(k)(3) – Exempted by order of the Commission (include copy of letter)		4580

Name of Firm:

As of:

FOCUS Report Part II

COMPUTATION FOR DETERMINATION OF SECURITY-BASED SWAP CUSTOMER RESERVE REQUIREMENTS

Items on this page to be reported by a: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD

CREDIT BALANCES

1. Free credit balances and other credit balances in the accounts carried for security-based swap customers (see Note A)	$		12069	
2. Monies borrowed collateralized by securities in accounts carried for security-based swap customers (see Note B)	$		12070	
3. Monies payable against security-based swap customers' securities loaned (see Note C)	$		12071	
4. Security-based swap customers' securities failed to receive (see Note D)	$		12072	
5. Credit balances in firm accounts attributable to principal sales to security-based swap customers	$		12073	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	$		12074	
7. **Market value of short security count differences over 30 calendar days old	$		12075	
8. **Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	$		12076	
9. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days	$		12077	
10. Other (List: _____)	$		12078	
11. TOTAL CREDITS (sum of Lines 1-10)		$		12089

DEBIT BALANCES

12. Debit balances in accounts carried for security-based swap customers, excluding unsecured accounts and accounts doubtful of collection (see Note E)	$		12079	
13. Securities borrowed to effectuate short sales by security-based swap customers and securities borrowed to make delivery on security-based swap customers' securities failed to deliver	$		12080	
14. Failed to deliver of security-based swap customers' securities not older than 30 calendar days	$		12081	
15. Margin required and on deposit with Options Clearing Corporation for all option contracts written or purchased in accounts carried for security-based swap customers (see Note F)	$		12082	
16. Margin related to security future products written, purchased or sold in accounts carried for security-based swap customers required and on deposit in a qualified clearing agency account at a clearing agency registered with the Commission under section 17A of the Exchange Act (15 U.S.C. 78q-1) or a derivative clearing organization registered with the Commodity Futures Trading Commission under section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) (see Note G)	$		12083	
17. Margin related to cleared security-based swap transactions in accounts carried for security-based swap customers required and on deposit in a qualified clearing agency account at a clearing agency registered with the Commission pursuant to section 17A of the Exchange Act (15 U.S.C. 78q-1)	$		12084	
18. Margin related to non-cleared security-based swap transactions in accounts carried for security-based swap customers required and held in a qualified registered security-based swap dealer account at another security-based swap dealer	$		12085	
19. Other (List: _____)	$		12086	
20. **Aggregate debit items		$		12090
21. **TOTAL DEBITS (sum of Lines 12-19)		$		12091

RESERVE COMPUTATION

22. Excess of total debits over total credits (Line 21 less Line 11)	$	12092
23. Excess of total credits over total debits (Line 11 less Line 21)	$	12093
24. Amount held on deposit in "Reserve Account(s)," including value of qualified securities, at end of reporting period	$	12094
25. Amount of deposit (or withdrawal) including $ _____ 12087 value of qualified securities	$	12095
26. New amount in Reserve Account(s) after adding deposit or subtracting withdrawal including $ _____ 12088 value of qualified securities	$	12096
27. Date of deposit (MMDDYY)	$	12097

** In the event the net capital requirement is computed under the alternative method, this reserve formula must be prepared in accordance with the requirements of paragraph (a)(1)(ii) of Rule 15c3-1.

References to notes in this section refer to the notes to 17 CFR 240.15c3-3b or 17 CFR 240.18a-4a, as applicable.

Name of Firm: _____

As of: _____

FOCUS Report Part II

POSSESSION OR CONTROL FOR SECURITY-BASED SWAP CUSTOMERS

Items on this page to be reported by a: Stand-Alone Broker-Dealer
Stand-Alone SBSD
Broker-Dealer SBSD

State the market valuation and number of items of:

1. Security-based swap customers' excess securities collateral not in the respondent's possession or control as of the report date (for which instructions to reduce to possession or control had been issued as of the report date) but for which the required action was not taken by respondent within the time frame specified under Rule 15c3-3(p) or Rule 18a-4, as applicable. Notes A and B ..... $ _____ 12098
   A. Number of items ..... _____ 12099
2. Security-based swap customers' excess securities collateral for which instructions to reduce possession or control had not been issued as of the report date under Rule 15c3-3(p) or Rule 18a-4, as applicable ..... $ _____ 12100
   A. Number of items ..... _____ 12101
3. The system and procedures utilized in complying with the requirement to maintain physical possession or control of security-based swap customers' excess securities collateral have been tested and are functioning in a manner adequate to fulfill the requirements of Rule 15c3-3(p) or Rule 18a-4, as applicable ..... Yes _____ 12102 No _____ 12103

Notes:

A – Do not include in Line 1 security-based swap customers' excess securities collateral required to be in possession or control but for which no action was required by the respondent as of the report date or required action was taken by respondent within the required time frames.

B – State separately in response to Line 1 whether the securities reported in response thereto were subsequently reduced to possession or control by the respondent.

Name of Firm: _____

As of: _____

FOCUS Report Part II	CLAIMING AN EXEMPTION FROM RULE 18a-4
	Items on this page to be reported by a: Stand-Alone SBSD (if claiming an exemption from Rule 18a-4) SBSD registered as an OTC Derivatives Dealer (if claiming an exemption from Rule 18a-4)

EXEMPTION FROM RULE 18a-4

If an exemption from Rule 18a-4 is claimed, check the box ☐ 12104

Name of Firm: _____

As of: _____

FOCUS Report Part II

COMPUTATION OF CFTC MINIMUM CAPITAL REQUIREMENTS

Items on this page to be reported by: Futures Commission Merchant

NET CAPITAL REQUIRED

A. Risk-based requirement		
i. Amount of customer risk		
Maintenance margin	$	7415
ii. Enter 8% of Line A.i	$	7425
iii. Amount of non-customer risk		
Maintenance margin	$	7435
iv. Enter 8% of Line A.iii	$	7445
v. Amount of uncleared swap margin	$	7446
vi. If the FCM is also registered as a swap dealer, enter 2% of Line A.v	$	7447
vii. Enter the sum of Lines A.ii, A.iv, and A.vi	$	7455
B. Minimum dollar amount requirement	$	7465
C. Other NFA requirement	$	7475
D. Minimum CFTC net capital requirement		
Enter the greatest of Lines A.v, B, or C	$	7490

Note: If amount on Line D is greater than the minimum net capital requirement computed on Item 3760, then enter this greater amount on Item 3760. The greater of the amount required by the SEC or CFTC is the minimum net capital requirement.

CFTC early warning level – enter the greatest of 110% of Line A.v. or 150% of Line B or 150% of Line C or $375,000 $ 7495

Name of Firm: _____

As of: _____

FOCUS Report Part II

STATEMENT OF SEGREGATION REQUIREMENTS AND FUNDS IN SEGREGATION FOR CUSTOMERS TRADING ON U.S. COMMODITY EXCHANGES

Items on this page to be reported by a: Futures Commission Merchant

SEGREGATION REQUIREMENTS

1. Net ledger balance			
A. Cash		$	7010
B. Securities (at market)		$	7020
2. Net unrealized profit (loss) in open futures contracts traded on a contract market		$	7030
3. Exchange traded options			
A. Add: Market value of open option contracts purchased on a contract market		$	7032
B. Deduct Market value of open option contracts granted (sold) on a contract market		$ ( )	7033
4. Net equity (deficit) (total of Lines 1, 2 and 3)		$	7040
5. Accounts liquidating to a deficit and accounts with debit balances – gross amount	$ 7045		
Less: amount offset by customer owned securities	$( ) 7047	$	7050
6. Amount required to be segregated (add Lines 4 and 5)		$	7060

FUNDS IN SEGREGATED ACCOUNTS

7. Deposited in segregated funds bank accounts			
A. Cash		$	7070
B. Securities representing investments of customers' funds (at market)		$	7080
C. Securities held for particular customers or option customers in lieu of cash (at market)		$	7090
8. Margin on deposit with derivative clearing organizations of contract markets			
A. Cash		$	7100
B. Securities representing investments of customers' funds (at market)		$	7110
C. Securities held for particular customers or option customers in lieu of cash (at market)		$	7120
9. Net settlement from (to) derivative clearing organizations of contract markets		$	7130
10. Exchange traded options			
A. Value of open long option contracts		$	7132
B. Value of open short option contracts		$ ( )	7133
11. Net equities with other FCMs			
A. Net liquidating equity		$	7140
B. Securities representing investments of customers' funds (at market)		$	7160
C. Securities held for particular customers or option customers in lieu of cash (at market)		$	7170
12. Segregated funds on hand (describe:)		$	7150
13. Total amount in segregation (add Lines 7 through 12)		$	7180
14. Excess (deficiency) funds in segregation (subtract Line 6 from Line 13)		$	7190
15. Management target amount for excess funds in segregation		$	7194
16. Excess (deficiency) funds in segregation over (under) management target amount excess		$	7198

Name of Firm: _____

As of: _____

FOCUS Report Part II

STATEMENT OF CLEARED SWAPS CUSTOMER SEGREGATION REQUIREMENTS AND FUNDS IN CLEARED SWAPS CUSTOMER ACCOUNTS UNDER SECTION 4D(F) OF THE COMMODITY EXCHANGE ACT

Items on this page to be reported by: Futures Commission Merchant

CLEARED SWAPS CUSTOMER REQUIREMENTS

1. Net ledger balance		
A. Cash	$	8500
B. Securities (at market)	$	8510
2. Net unrealized profit (loss) in open cleared swaps	$	8520
3. Cleared swaps options		
A. Market value of open cleared swaps option contracts purchased	$	8530
B. Market value of open cleared swaps option contracts granted (sold)	$ ( )	8540
4. Net equity (deficit) (add Lines 1, 2, and 3)	$	8550
5. Accounts liquidating to a deficit and accounts with debit balances – gross amount $ 8560		
Less: amount offset by customer owned securities $ ( ) 8570	$	8580
6. Amount required to be segregated for cleared swaps customers (add Lines 4 and 5)	$	8590

FUNDS IN CLEARED SWAPS CUSTOMER SEGREGATED ACCOUNTS

7. Deposited in cleared swaps customer segregated accounts at banks		
A. Cash	$	8600
B. Securities representing investments of cleared swaps customers' funds (at market)	$	8610
C. Securities held for particular cleared swaps customers in lieu of cash (at market)	$	8620
8. Margins on deposit with derivatives clearing organizations in cleared swaps customer segregated accounts		
A. Cash	$	8630
B. Securities representing investments of cleared swaps customers' funds (at market)	$	8640
C. Securities held for particular cleared swaps customers in lieu of cash (at market)	$	8650
9. Net settlement from (to) derivatives clearing organizations	$	8660
10. Cleared swaps options		
A. Value of open cleared swaps long option contracts	$	8670
B. Value of open cleared swaps short option contracts	$ ( )	8680
11. Net equities with other FCMs		
A. Net liquidating equity	$	8690
B. Securities representing investments of cleared swaps customers' funds (at market)	$	8700
C. Securities held for particular cleared swaps customers in lieu of cash (at market)	$	8710
12. Cleared swaps customer funds on hand (describe:).	$	8715
13. Total amount in cleared swaps customer segregation (add Lines 7 through 12)	$	8720
14. Excess (deficiency) funds in cleared swaps customer segregation (subtract Line 6 from Line 13)	$	8730
15. Management target amount for excess funds in cleared swaps segregated accounts	$	8760
16. Excess (deficiency) funds in cleared swaps customer segregated accounts over (under) management target excess	$	8770

Name of Firm: _____

As of: _____

FOCUS Report Part II

STATEMENT OF SEGREGATION REQUIREMENTS AND FUNDS IN SEGREGATION FOR CUSTOMERS' DEALER OPTIONS ACCOUNTS

Items on this page to be reported by a: Futures Commission Merchant

1. Amount required to be segregated in accordance with 17 CFR 32.6		$	7200
2. Funds/property in segregated accounts			
A. Cash	$ 7210		
B. Securities (at market value)	$ 7220		
C. Total funds/property in segregated accounts		$	7230
3. Excess (deficiency) funds in segregation (subtract Line 2C from Line 1)		$	7240

Name of Firm: _____

As of: _____

FOCUS Report Part II

STATEMENT OF SECURED AMOUNTS AND FUNDS HELD IN SEPARATE ACCOUNTS FOR FOREIGN FUTURES AND FOREIGN OPTIONS CUSTOMERS PURSUANT TO CFTC REGULATION 30.7

Items on this page to be reported by a: Futures Commission Merchant

FOREIGN FUTURES AND FOREIGN OPTIONS SECURED AMOUNTS

Amount required to be set aside pursuant to law, rule, or regulation of a foreign government or a rule of a self-regulatory organization authorized thereunder		$	7305
1. Net ledger balance – Foreign futures and foreign options trading – All customers			
A. Cash		$	7315
B. Securities (at market)		$	7317
2. Net unrealized profit (loss) in open futures contracts traded on a foreign board of trade		$	7325
3. Exchange traded options			
A. Market value of open option contracts purchased on a foreign board of trade		$	7335
B. Market value of open option contracts granted (sold) on a foreign board of trade		$	7337
4. Net equity (deficit) (add Lines 1, 2, and 3)		$	7345
5. Accounts liquidating to a deficit and accounts with debit balances – gross amount	$ 7351		
Less: Amount offset by customer owned securities	$ 7352	$	7354
6. Amount required to be set aside as the secured amount – Net liquidating equity method (add Lines 4 and 5)		$	7355
7. Greater of amount required to be set aside pursuant to foreign jurisdiction (above) or Line 6		$	7360

Name of Firm: _____

As of: _____

FOCUS Report Part II

STATEMENT OF SECURED AMOUNTS AND FUNDS HELD IN SEPARATE ACCOUNTS FOR FOREIGN FUTURES AND FOREIGN OPTIONS CUSTOMERS PURSUANT TO CFTC REGULATION 30.7

Items on this page to be reported by: Futures Commission Merchant

FUNDS DEPOSITED IN SEPARATE 17 CFR 30.7 ACCOUNTS

1. Cash in banks			
A. Banks located in the United States	$ 7500		
B. Other banks qualified under 17 CFR. 30.7			
Name(s): 7510	$ 7520	$ 7530	
2. Securities			
A. In safekeeping with banks located in the United States	$ 7540		
B. In safekeeping with other banks designated by 17 CFR. 30.7			
Name(s): 7550	$ 7560	$ 7570	
3. Equities with registered futures commission merchants			
A. Cash	$ 7580		
B. Securities	$ 7590		
C. Unrealized gain (loss) on open futures contracts	$ 7600		
D. Value of long option contracts	$ 7610		
E. Value of short option contracts	$ ( ) 7615	$ 7620	
4. Amounts held by clearing organizations of foreign boards of trade			
Name(s): 7630			
A. Cash	$ 7640		
B. Securities	$ 7650		
C. Amount due to (from) clearing organizations - daily variation	$ 7660		
D. Value of long option contracts	$ 7670		
E. Value of short option contracts	$ ( ) 7675	$ 7680	
5. Amounts held by members of foreign boards of trade			
Name(s): 7690			
A. Cash	$ 7700		
B. Securities	$ 7710		
C. Unrealized gain (loss) on open futures contracts	$ 7720		
D. Value of long option contracts	$ 7730		
E. Value of short option contracts	$ ( ) 7735	$ 7740	
6. Amounts with other depositories designated by a foreign board of trade			
Name(s): 7750		$ 7760	
7. Segregated funds on hand (describe:)		$ 7765	
8. Total funds in separate 17 CFR 30.7 accounts		$ 7770	
9. Excess (deficiency) set aside funds for secured amount (Line Item 7770 minus Line Item 7360)		$ 7380	
10. Management target amount for excess funds in separate 17 CFR 30.7 accounts		$ 7780	
11. Excess (deficiency) funds in separate 17 CFR 30.7 accounts over (under) management target excess		$ 7785	

Name of Firm:

As of:

FOCUS Report Part II Schedule 1

SCHEDULE 1 – AGGREGATE SECURITIES, COMMODITIES, AND SWAPS POSITIONS

Items on this page to be reported by: Stand-Alone Broker-Dealer; Stand-Alone SBSD; Broker-Dealer SBSD; Stand-Alone MSBSP; Broker-Dealer MSBSP

Aggregate Securities, Commodities, and Swaps Positions	LONG/BOUGHT		SHORT/SOLD	
1. U.S. treasury securities	$	8200	$	8201
2. U.S. government agency and U.S. government-sponsored enterprises	$	8210	$	8211
A. Mortgage-backed securities issued by U.S. government agency and U.S. government-sponsored enterprises	$	18001	$	18002
B. Debt securities issued by U.S. government agency and U.S. government-sponsored enterprises	$	18003	$	18004
3. Securities issued by states and political subdivisions in the U.S.	$	8220	$	8221
4. Foreign securities				
A. Debt securities	$	8230	$	8231
B. Equity securities	$	8235	$	8236
5. Money market instruments	$	8240	$	8241
6. Private label mortgage backed securities	$	8250	$	8251
7. Other asset-backed securities	$	8260	$	8261
8. Corporate obligations	$	8270	$	8271
9. Stocks and warrants (other than arbitrage positions)	$	8280	$	8281
10. Arbitrage	$	8290	$	8291
11. Spot commodities	$	8330	$	8331
12. Other securities and commodities	$	8360	$	8361
13. Securities with no ready market				
A. Equity	$	8340	$	8341
B. Debt	$	8345	$	8346
C. Other	$	8350	$	8351
D. Total securities with no ready market	$	12777	$	12782
14. Total net securities and spot commodities (sum of Lines 1-12 and 13D)	$	12778	$	12783
15. Security-based swaps				
A. Cleared	$	12106	$	12114
B. Non-cleared	$	12107	$	12115
16. Mixed swaps				
A. Cleared	$	12108	$	12116
B. Non-cleared	$	12109	$	12117
17. Swaps				
A. Cleared	$	12110	$	12118
B. Non-cleared	$	12111	$	12119
18. Other derivatives and options	$	8295	$	8296
19. Counterparty netting	$	12779	$	12784
20. Cash collateral netting	$	12780	$	12785
21. Total derivative receivables and payables (sum of Lines 15-20)	$	12781	$	12786
22. Total net securities, commodities, and swaps positions (sum of Lines 14 and 21)	$	8370	$	8371

Name of Firm: _____

As of: _____

FOCUS Report Part II Schedule 2

SCHEDULE 2 – CREDIT CONCENTRATION REPORT FOR FIFTEEN LARGEST EXPOSURES IN DERIVATIVES

Items on this page to be reported by: Stand-Alone Broker-Dealer (Authorized to use models)
Stand-Alone SBSD
Broker-Dealer SBSD
Stand-Alone MSBSP
Broker-Dealer MSBSP

I. By Current Net Exposure

Counterparty Identifier	Gross Replacement Value Receivable (Gross Gain)	Gross Replacement Value Payable (Gross Loss)	Net Replacement Value	Current Net Exposure	Current Net and Potential Exposure	Margin Collected
1. 12120	$ 12135	$ 12151	$ 12167	$ 12183	$ 12199	$ 12215
2. 12121	$ 12136	$ 12152	$ 12168	$ 12184	$ 12200	$ 12216
3. 12122	$ 12137	$ 12153	$ 12169	$ 12185	$ 12201	$ 12217
4. 12123	$ 12138	$ 12154	$ 12170	$ 12186	$ 12202	$ 12218
5. 12124	$ 12139	$ 12155	$ 12171	$ 12187	$ 12203	$ 12219
6. 12125	$ 12140	$ 12156	$ 12172	$ 12188	$ 12204	$ 12220
7. 12126	$ 12141	$ 12157	$ 12173	$ 12189	$ 12205	$ 12221
8. 12127	$ 12142	$ 12158	$ 12174	$ 12190	$ 12206	$ 12222
9. 12128	$ 12143	$ 12159	$ 12175	$ 12191	$ 12207	$ 12223
10. 12129	$ 12144	$ 12160	$ 12176	$ 12192	$ 12208	$ 12224
11. 12130	$ 12145	$ 12161	$ 12177	$ 12193	$ 12209	$ 12225
12. 12131	$ 12146	$ 12162	$ 12178	$ 12194	$ 12210	$ 12226
13. 12132	$ 12147	$ 12163	$ 12179	$ 12195	$ 12211	$ 12227
14. 12133	$ 12148	$ 12164	$ 12180	$ 12196	$ 12212	$ 12228
15. 12134	$ 12149	$ 12165	$ 12181	$ 12197	$ 12213	$ 12229
All other counterparties	$ 12150	$ 12166	$ 12182	$ 12198	$ 12214	$ 12230
Totals:	$ 7810	$ 7811	$ 7812	$ 7813	$ 7814	$ 12231

II. By Current Net and Potential Exposure

Counterparty Identifier	Gross Replacement Value Receivable (Gross Gain)	Gross Replacement Value Payable (Gross Loss)	Net Replacement Value	Current Net Exposure	Current Net and Potential Exposure	Margin Collected
1. 12232	$ 12247	$ 12264	$ 12281	$ 12298	$ 12315	$ 12332
2. 12233	$ 12248	$ 12265	$ 12282	$ 12299	$ 12316	$ 12333
3. 12234	$ 12249	$ 12266	$ 12283	$ 12300	$ 12317	$ 12334
4. 12235	$ 12250	$ 12267	$ 12284	$ 12301	$ 12318	$ 12335
5. 12236	$ 12251	$ 12268	$ 12285	$ 12302	$ 12319	$ 12336
6. 12237	$ 12252	$ 12269	$ 12286	$ 12303	$ 12320	$ 12337
7. 12238	$ 12253	$ 12270	$ 12287	$ 12304	$ 12321	$ 12338
8. 12239	$ 12254	$ 12271	$ 12288	$ 12305	$ 12322	$ 12339
9. 12240	$ 12255	$ 12272	$ 12289	$ 12306	$ 12323	$ 12340
10. 12241	$ 12256	$ 12273	$ 12290	$ 12307	$ 12324	$ 12341
11. 12242	$ 12257	$ 12274	$ 12291	$ 12308	$ 12325	$ 12342
12. 12243	$ 12258	$ 12275	$ 12292	$ 12309	$ 12326	$ 12343
13. 12244	$ 12259	$ 12276	$ 12293	$ 12310	$ 12327	$ 12344
14. 12245	$ 12260	$ 12277	$ 12294	$ 12311	$ 12328	$ 12345
15. 12246	$ 12261	$ 12278	$ 12295	$ 12312	$ 12329	$ 12346
All other counterparties	$ 12262	$ 12279	$ 12296	$ 12313	$ 12330	$ 12347
Totals:	$ 12263	$ 12280	$ 12297	$ 12314	$ 12331	$ 12348

Name of Firm: _____
As of: _____

FOCUS Report Part II Schedule 3

SCHEDULE 3 – PORTFOLIO SUMMARY OF DERIVATIVES EXPOSURES BY INTERNAL CREDIT RATING

Items on this page to be reported by: Stand-Alone Broker-Dealer (Authorized to use models)
Stand-Alone SBSD
Broker-Dealer SBSD
Stand-Alone MSBSP
Broker-Dealer MSBSP

Internal Credit Rating		Gross Replacement Value Receivable		Gross Replacement Value Payable		Net Replacement Value		Current Net Exposure Payable		Current Net and Potential Exposure		Margin Collected	
1.	12349	$	12386	$	12423	$	12460	$	12497	$	12534	$	12572
2.	12350	$	12387	$	12424	$	12461	$	12498	$	12535	$	12573
3.	12351	$	12388	$	12425	$	12462	$	12499	$	12536	$	12574
4.	12352	$	12389	$	12426	$	12463	$	12500	$	12537	$	12575
5.	12353	$	12390	$	12427	$	12464	$	12501	$	12538	$	12576
6.	12354	$	12391	$	12428	$	12465	$	12502	$	12539	$	12577
7.	12355	$	12392	$	12429	$	12466	$	12503	$	12540	$	12578
8.	12356	$	12393	$	12430	$	12467	$	12504	$	12541	$	12579
9.	12357	$	12394	$	12431	$	12468	$	12505	$	12542	$	12580
10.	12358	$	12395	$	12432	$	12469	$	12506	$	12543	$	12581
11.	12359	$	12396	$	12433	$	12470	$	12507	$	12544	$	12582
12.	12360	$	12397	$	12434	$	12471	$	12508	$	12545	$	12583
13.	12361	$	12398	$	12435	$	12472	$	12509	$	12546	$	12584
14.	12362	$	12399	$	12436	$	12473	$	12510	$	12547	$	12585
15.	12363	$	12400	$	12437	$	12474	$	12511	$	12548	$	12586
16.	12364	$	12401	$	12438	$	12475	$	12512	$	12549	$	12587
17.	12365	$	12402	$	12439	$	12476	$	12513	$	12550	$	12588
18.	12366	$	12403	$	12440	$	12477	$	12514	$	12551	$	12589
19.	12367	$	12404	$	12441	$	12478	$	12515	$	12552	$	12590
20.	12368	$	12405	$	12442	$	12479	$	12516	$	12553	$	12591
21.	12369	$	12406	$	12443	$	12480	$	12517	$	12554	$	12592
22.	12370	$	12407	$	12444	$	12481	$	12518	$	12555	$	12593
23.	12371	$	12408	$	12445	$	12482	$	12519	$	12556	$	12594
24.	12372	$	12409	$	12446	$	12483	$	12520	$	12557	$	12595
25.	12373	$	12410	$	12447	$	12484	$	12521	$	12558	$	12596
26.	12374	$	12411	$	12448	$	12485	$	12522	$	12559	$	12597
27.	12375	$	12412	$	12449	$	12486	$	12523	$	12560	$	12598
28.	12376	$	12413	$	12450	$	12487	$	12524	$	12561	$	12599
29.	12377	$	12414	$	12451	$	12488	$	12525	$	12562	$	12600
30.	12378	$	12415	$	12452	$	12489	$	12526	$	12563	$	12601
31.	12379	$	12416	$	12453	$	12490	$	12527	$	12564	$	12602
32.	12380	$	12417	$	12454	$	12491	$	12528	$	12565	$	12603
33.	12381	$	12418	$	12455	$	12492	$	12529	$	12566	$	12604
34.	12382	$	12419	$	12456	$	12493	$	12530	$	12567	$	12605
35.	12383	$	12420	$	12457	$	12494	$	12531	$	12568	$	12606
36.	12384	$	12421	$	12458	$	12495	$	12532	$	12569	$	12607
Unrated	12385	$	12422	$	12459	$	12496	$	12533	$	12570	$	12608
Totals:		$	7822	$	7823	$	7821	$	7820	$	12571	$	12609

Name of Firm: .....
As of: _____

FOCUS Report Part II Schedule 4

SCHEDULE 4 – GEOGRAPHIC DISTRIBUTION OF DERIVATIVES EXPOSURES FOR TEN LARGEST COUNTRIES

Items on this page to be reported by: Stand-Alone Broker-Dealer (Authorized to use models)
Stand-Alone SBSD
Broker-Dealer SBSD
Stand-Alone MSBSP
Broker-Dealer MSBSP

I. By Current Net Exposure

Country	Gross Replacement Value Receivable	Gross Replacement Value Payable	Net Replacement Value	Current Net Exposure	Current Net and Potential Exposure	Margin Collected
1.	12610 $ 12620	$ 12630	$ 12640	$ 12650	$ 12661	$ 12671
2.	12611 $ 12621	$ 12631	$ 12641	$ 12651	$ 12662	$ 12672
3.	12612 $ 12622	$ 12632	$ 12642	$ 12652	$ 12663	$ 12673
4.	12613 $ 12623	$ 12633	$ 12643	$ 12653	$ 12664	$ 12674
5.	12614 $ 12624	$ 12634	$ 12644	$ 12654	$ 12665	$ 12675
6.	12615 $ 12625	$ 12635	$ 12645	$ 12655	$ 12666	$ 12676
7.	12616 $ 12626	$ 12636	$ 12646	$ 12656	$ 12667	$ 12677
8.	12617 $ 12627	$ 12637	$ 12647	$ 12657	$ 12668	$ 12678
9.	12618 $ 12628	$ 12638	$ 12648	$ 12658	$ 12669	$ 12679
10.	12619 $ 12629	$ 12639	$ 12649	$ 12659	$ 12670	$ 12680
Totals:	$ 7803	$ 7804	$ 7802	$ 12660	$ 7801	$ 12681

II. By Current Net and Potential Exposure

Country	Gross Replacement Value Receivable	Gross Replacement Value Payable	Net Replacement Value	Current Net Exposure	Current Net and Potential Exposure	Margin Collected
1.	12681 $ 12692	$ 12703	$ 12714	$ 12725	$ 12736	$ 12747
2.	12682 $ 12693	$ 12704	$ 12715	$ 12726	$ 12737	$ 12748
3.	12683 $ 12694	$ 12705	$ 12716	$ 12727	$ 12738	$ 12749
4.	12684 $ 12695	$ 12706	$ 12717	$ 12728	$ 12739	$ 12750
5.	12685 $ 12696	$ 12707	$ 12718	$ 12729	$ 12740	$ 12751
6.	12686 $ 12697	$ 12708	$ 12719	$ 12730	$ 12741	$ 12752
7.	12687 $ 12698	$ 12709	$ 12720	$ 12731	$ 12742	$ 12753
8.	12688 $ 12699	$ 12710	$ 12721	$ 12732	$ 12743	$ 12754
9.	12689 $ 12700	$ 12711	$ 12722	$ 12733	$ 12744	$ 12755
10.	12690 $ 12701	$ 12712	$ 12723	$ 12734	$ 12745	$ 12756
Totals:	$ 12702	$ 12713	$ 12724	$ 12735	$ 12746	$ 12757

Name of Firm: .....
As of: _____

Form X-17A-5 FOCUS Report Part IIC Cover Page	UNITED STATES SECURITIES AND EXCHANGE COMMISSION FOCUS REPORT (FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT) Part IIC 11 (Please read instructions before preparing Form)	OMB APPROVAL OMB Number: Expires: Estimated average burden hours per response:

This report is being filed by an:

1) SBSD with a prudential regulator (bank SBSD) ☐ 12758
2) MSBSP with a prudential regulator (bank MSBSP) ☐ 12759

This report is being filed by a: U.S. person ☐ 12760 Non-U.S. person ☐ 12761

This report is being filed pursuant to (check applicable block(s)):

1) Special request by the Commission ☐ 19
2) Rule 18a-7 ☐ 12762
3) Other (explain: _____) ☐ 26

NAME OF REPORTING ENTITY _____ 13

SEC FILE NO. _____ 14

ADDRESS OF PRINCIPAL PLACE OF BUSINESS (Do not use P.O. Box No.)

_____ 20
(No. and Street)

FIRM ID NO. _____ 15

FOR PERIOD BEGINNING (MM/DD/YY)

_____ 21 _____ 22 _____ 23
(City) (State/Province) (Zip Code)

_____ 24
AND ENDING (MM/DD/YY)

_____ 12763
(Country)

_____ 25

NAME OF PERSON TO CONTACT IN REGARD TO THIS REPORT _____ 30

EMAIL ADDRESS _____ 12764

(AREA CODE) TELEPHONE NO. _____ 31

NAME(S) OF SUBSIDIARIES OR AFFILIATES CONSOLIDATED IN THIS REPORT

_____ 32
_____ 34
_____ 36
_____ 38

OFFICIAL USE

_____ 33
_____ 35
_____ 37
_____ 39

Is this report consolidated or unconsolidated? Consolidated ☐ 198 Unconsolidated ☐ 199

Does respondent carry its own security-based swap customer accounts? Yes ☐ 40 No ☐ 41

EXECUTION: The registrant submitting this Form and its attachments and the person(s) by whom it is executed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements, and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements, and schedules remain true, correct and complete as previously submitted.

Dated the _____ day of _____, 20____.

Signatures of:	Names of:
1) _____ Principal Executive Officer or Comparable Officer	_____ 12765 Principal Executive Officer or Comparable Officer
2) _____ Principal Financial Officer or Comparable Officer	_____ 12766 Principal Financial Officer or Comparable Officer
3) _____ Principal Operations Officer or Comparable Officer	_____ 12767 Principal Operations Officer or Comparable Officer

ATTENTION: Intentional misstatements and/or omissions of facts constitute federal criminal violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).)

Persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

Name of Firm: _____

As of: _____

FOCUS Report Part IIC	BALANCE SHEET (INFORMATION AS REPORTED ON FFIEC FORM 031 – SCHEDULE RC)
	Items on this page to be reported by a: Bank SBSD Bank MSBSP

Assets		**Totals**
1. Cash and balances due from depository institutions (from FFIEC Form 031's Schedule RC-A)		
A. Noninterest-bearing balances and currency and coin		$ 0081b
B. Interest-bearing balances		$ 0071b
2. Securities		
A. Held-to-maturity securities		$ 1754b
B. Available-for-sale securities		$ 1773b
3. Federal funds sold and securities purchased under agreements to resell		
A. Federal funds sold in domestic offices		$ B987b
B. Securities purchased under agreements to resell		$ B989b
4. Loans and lease financing receivables (from FFIEC Form 031's Schedule RC-C)		
A. Loans and leases held for sale		$ 5369b
B. Loans and leases, net of unearned income	$ B528b	
C. LESS: Allowance for loan and lease losses	$ 3123b	
D. Loans and leases, net of unearned income and allowance (Line 4B minus Line 4C)		$ B529b
5. Trading assets (from FFIEC Form 031's Schedule RC-D)		$ 3545b
6. Premises and fixed assets (including capitalized leases)		$ 2145b
7. Other real estate owned (from FFIEC Form 031's Schedule RC-M)		$ 2150b
8. Investments in unconsolidated subsidiaries and associated companies		$ 2130b
9. Direct and indirect investments in real estate ventures		$ 3656b
10. Intangible assets		
A. Goodwill		$ 3163b
B. Other intangible assets (from FFIEC Form 031's Schedule RC-M)		$ 0426b
11. Other assets (from FFIEC Form 031's Schedule RC-F)		$ 2160b
12. Total assets (sum of Lines 1 through 11)		$ 2170b

Name of Firm: _____

As of: _____

FOCUS Report Part IIC

BALANCE SHEET (INFORMATION AS REPORTED ON FFIEC FORM 031 – SCHEDULE RC)

Items on this page to be reported by a: Bank SBSD
Bank MSBSP

Liabilities		Totals
13. Deposits		
A. In domestic offices (sum of totals of Columns A and C from FFIEC Form 031's Schedule RC-E, part I)		$ 2200b
1. Noninterest-bearing	$ 6631b	
2. Interest-bearing	$ 6636b	
B. In foreign offices, Edge and Agreement subsidiaries, and IBFs (from FFIEC Form 031's Schedule RC-E, part II)		$ 2200bb
1. Noninterest-bearing	$ 6631bb	
2. Interest-bearing	$ 6636bb	
14. Federal funds purchased and securities sold under agreements to repurchase		
A. Federal funds purchased in domestic offices		$ B993b
B. Securities sold under agreements to repurchase		$ B995b
15. Trading liabilities		$ 3548b
16. Other borrowed money (includes mortgage indebtedness and obligations under capitalized leases) (from FFIEC Form 031's Schedule RC-M)		$ 3190b
17. Not applicable.		
18. Not applicable.		
19. Subordinated notes and debentures		$ 3200b
20. Other liabilities (from FFIEC Form 031's Schedule RC-G)		$ 2930b
21. Total liabilities (sum of Lines 13 through 20)		$ 2948b
22. Not applicable.		
Equity Capital		
23. Perpetual preferred stock and related surplus		$ 3838b
24. Common stock		$ 3230b
25. Surplus (exclude all surplus related to preferred stock)		$ 3839b
26 A. Retained earnings		$ 3632b
B. Accumulated other comprehensive income		$ B530b
C. Other equity capital components		$ A130b
27A. Total bank equity capital (sum of Lines 23 through 26.C)		$ 3210b
B. Non-controlling (minority) interests in consolidated subsidiaries		$ 3000b
28. Total equity capital (sum of Lines 27A and 27B)		$ G105b
29. Total liabilities and equity capital (sum of Lines 21 and 28)		$ 3300b

Name of Firm: _____
As of: _____

FOCUS Report Part IIC

REGULATORY CAPITAL (INFORMATION AS REPORTED ON FFIEC FORM 031 – SCHEDULE RC-R)

Items on this page to be reported by a: Bank SBSD
Bank MSBSP

Capital	**Totals**	
1. Total bank equity capital (from FFIEC Form 031's Schedule RC, Line 27A)	$	3210b
2. Tier 1 capital	$	8274b
3. Tier 2 capital	$	5311b
4. Tier 3 capital allocated for market risk	$	1395b
5. Total risk-based capital	$	3792b
6. Total risk-weighted assets	$	A223b
7. Total assets for the leverage ratio	$	A224b

Capital Ratios (Column B is to be completed by all banks. Column A is to be completed by banks with financial subsidiaries.)	**Column A**		**Column B**	
8. Tier 1 leverage ratio	$	7204B		
9. Tier 1 risk-based capital ratio	$	7206B	$	7206bb
10. Total risk-based capital ratio	$	7205B	$	7205bb

Name of Firm:
As of:

FOCUS Report Part IIC

INCOME STATEMENT (INFORMATION AS REPORTED ON FFIEC FORM 031 – SCHEDULE RI)

Items on this page to be reported by a: Bank SBSD
Bank MSBSP

	Totals	
1. Total interest income	$	4107b
2. Total interest expense	$	4073b
3. Total noninterest income	$	4079b
4. Total noninterest expense	$	4093b
5. Realized gains (losses) on held-to-maturity securities	$	3521b
6. Realized gains (losses) on available-for-sale securities	$	3196b
7. Income (loss) before income taxes and extraordinary items and other adjustments	$	4301b
8. Net income (loss) attributable to bank	$	4340b
9. Trading revenue (from cash instruments and derivative instruments)		
A. Interest rate exposures	$	8757b
B. Foreign exchange exposures	$	8758b
C. Equity security and index exposures	$	8759b
D. Commodity and other exposures	$	8760b
E. Credit exposures	$	F186b
Lines 9F and 9G are to be completed by banks with $100 billion or more in total assets that are required to complete lines 9A through 9E above.		
F. Impact on trading revenue of changes in the creditworthiness of the bank's derivative counterparties on the bank's derivative assets)	$	K090b
G. Impact on trading revenue of changes in the creditworthiness of the bank on the bank's derivative liabilities	$	K094b
10. Net gains (losses) recognized in earnings on credit derivatives that economically hedge credit exposures held outside the trading account		
A. Net gains (losses) on credit derivatives held for trading	$	C889b
B. Net gains (losses) on credit derivatives held for purposes other than trading	$	C890b
11. Credit losses on derivatives	$	A251b

Name of Firm:
As of:

FOCUS Report Part IIC

COMPUTATION FOR DETERMINATION OF SECURITY-BASED SWAP CUSTOMER RESERVE REQUIREMENTS

Items on this page to be reported by a: Bank SBSD (if not exempt from Rule 18a-4)

CREDIT BALANCES

1. Free credit balances and other credit balances in the accounts carried for security-based swap customers (see Note A)	$		12768	
2. Monies borrowed collateralized by securities in accounts carried for security-based swap customers (see Note B)	$		12769	
3. Monies payable against security-based swap customers' securities loaned (see Note C)	$		12770	
4. Security-based swap customers' securities failed to receive (see Note D)	$		12771	
5. Credit balances in firm accounts attributable to principal sales to security-based swap customers	$		12772	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	$		12773	
7. Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	$		12774	
8. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days	$		12775	
9. Other (List: _____)	$		12776	
10. TOTAL CREDITS				$ 12785

DEBIT BALANCES

11. Debit balances in accounts carried for security-based swap customers, excluding unsecured accounts and accounts doubtful of collection (see Note E)	$		12777	
12. Securities borrowed to effectuate short sales by security-based swap customers and securities borrowed to make delivery on security-based swap customers' securities failed to deliver	$		12778	
13. Failed to deliver of security-based swap customers' securities not older than 30 calendar days	$		12779	
14. Margin required and on deposit with Options Clearing Corporation for all option contracts written or purchased in accounts carried for security-based swap customers (see Note F)	$		12780	
15. Margin related to security future products written, purchased or sold in accounts carried for security-based swap customers required and on deposit in a qualified clearing agency account at a clearing agency registered with the Commission under section 17A of the Exchange Act (15 U.S.C. 78q-1) or a derivative clearing organization registered with the Commodity Futures Trading Commission under section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) (see Note G)	$		12781	
16. Margin related to cleared security-based swap transactions in accounts carried for security-based swap customers required and on deposit in a qualified clearing agency account at a clearing agency registered with the Commission pursuant to section 17A of the Exchange Act (15 U.S.C. 78q-1)	$		12782	
17. Margin related to non-cleared security-based swap transactions in accounts carried for security-based swap customers required and held in a qualified registered security-based swap dealer account at another security-based swap dealer	$		12783	
18. Other (List: _____)	$		12784	
19. TOTAL DEBITS				$ 12786

RESERVE COMPUTATION

20. Excess of total debits over total credits (Line 19 less Line 10)				$ 12787
21. Excess of total credits over total debits (Line 10 less Line 19)				$ 12788
22. Amount held on deposit in "Reserve Account(s)," including value of qualified securities, at end of reporting period				$ 12789
23. Amount of deposit (or withdrawal) including $ _____ 12790 value of qualified securities				$ 12791
24. New amount in Reserve Account(s) after adding deposit or subtracting withdrawal including $ _____ 12792 value of qualified securities				$ 12793
25. Date of deposit (MMDD/YY)				$ 12794

References to notes in this section refer to the notes to 17 CFR 240.18a-4a.

Name of Firm: _____

As of: _____

FOCUS Report Part IIC

POSSESSION OR CONTROL FOR SECURITY-BASED SWAP CUSTOMERS

Items on this page to be reported by a: Bank SBSD (if not exempt from Rule 18a-4)

State the market valuation and number of items of:

1. Security-based swap customers' excess securities collateral not in the respondent's possession or control as of the report date (for which instructions to reduce to possession or control had been issued as of the report date) but for which the required action was not taken by respondent within the time frame specified under Rule 18a-4. Notes A and B ..... $ _____ 12795

   A. Number of items ..... _____ 12796

2. Security-based swap customers' excess securities collateral for which instructions to reduce possession or control had not been issued as of the report date under Rule 18a-4 ..... $ _____ 12797

   A. Number of items ..... _____ 12798

3. The system and procedures utilized in complying with the requirement to maintain physical possession or control of security-based swap customers' excess securities collateral have been tested and are functioning in a manner adequate to fulfill the requirements of Rule 18a-4 ..... Yes _____ 12799 No _____ 12800

Notes:

A – Do not include in Line 1 security-based swap customers' excess securities collateral required by Rule 18a-4 to be in possession or control but for which no action was required by the respondent as of the report date or required action was taken by respondent within the time frames specified under Rule 18a-4.

B – State separately in response to Line 1 whether the securities reported in response thereto were subsequently reduced to possession or control by the respondent.

Name of Firm: _____

As of: _____

FOCUS Report Part IIC	CLAIMING AN EXEMPTION FROM RULE 18a-4
	Items on this page to be reported by a: Bank SBSD

EXEMPTION FROM RULE 18a-4

If an exemption from Rule 18a-4 is claimed, check the box ☐ 12104

Name of Firm:

As of:

FOCUS Report Part IIC

SCHEDULE 1 – AGGREGATE SECURITY-BASED SWAP AND SWAP POSITIONS

Items on this page to be reported by a: Bank SBSDs
Bank MSBSPs

Aggregate Positions	LONG/BOUGHT		SHORT/SOLD	
1. Security-based swaps				
A. Cleared	$	12801	$	12809
B. Non-cleared	$	12802	$	12810
2. Mixed swaps				
A. Cleared	$	12803	$	12811
B. Non-cleared	$	12804	$	12812
3. Swaps				
A. Cleared	$	12805	$	12813
B. Non-cleared	$	12806	$	12814
4. Other derivatives	$	12807	$	12815
5. Total (sum of Lines 1-4)	$	12808	$	12816

Name of Firm:
As of:

[FR Doc. 2021–22817 Filed 10–25–21; 8:45 am]

BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No.: 34–93396]

Public Availability of the Securities and Exchange Commission's FY 2019 Service Contract Inventory

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), SEC is publishing this notice to advise the public of the availability of the FY2019 Service Contract Inventory (SCI) along with the FY2020 SCI Planned Analysis.

The SCI provides information on FY2019 actions above the simplified acquisition threshold for service contracts. The inventory organizes the information by function to show how SEC distributes contracted resources throughout the agency. The SEC developed the inventory per the guidance issued on January 17, 2017, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/service_contract_inventories.pdf.*

The Service Contract Inventory Analysis for FY2019 provides information based on the FY 2019 Inventory. Please note that the SEC's FY 2019 Service Contract Inventory data is now included in government-wide inventory available on *www.acquisition.gov.* The government-wide inventory can be filtered to display the inventory data for the SEC. The SEC has posted the FY 2019 SCI Analysis and its FY 2020 plans for analyzing data on the SEC's homepage at *http://www.sec.gov/about/secreports.shtml* and *http://www.sec.gov/open.*

FOR FURTHER INFORMATION CONTACT: Direct questions regarding the service contract inventory to Vance Cathell, Director Office of Acquisitions 202.551.8385 or *CathellV@sec.gov.*

Dated: October 21, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–23306 Filed 10–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93391; File No. 265–33]

Asset Management Advisory Committee; Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: Notice is being provided that the Securities and Exchange Commission Asset Management Advisory Committee (''AMAC'') will hold a public meeting on November 3, 2021, by remote means. The meeting will begin at 10:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at *www.sec.gov.* Persons needing special accommodations to take part because of a disability should notify the contact person listed below. The public is invited to submit written statements to the Committee. The meeting will include a discussion of matters in the asset management industry relating to the Evolution of Advice and the Small Advisers and Small Funds Subcommittees, including potential recommendations.

DATES: The public meeting will be held on November 3, 2021. Written statements should be received on or before October 29, 2021.

ADDRESSES: The meeting will be held by remote means and webcast on *www.sec.gov.* Written statements may be submitted by any of the following methods. To help us process and review your statement more efficiently, please use only one method. At this time, electronic statements are preferred.

Electronic Statements

- Use the Commission's internet submission form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email message to *rule-comments@sec.gov.* Please include File Number 265–33 on the subject line; or

Paper Statements

- Send paper statements to Vanessa Countryman, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. 265–33. This file number should be included on the subject line if email is used. The Commission will post all statements on the Commission's website at (*http://www.sec.gov/comments/265-33/265-33.htm*).

Statements also will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Operating conditions may limit access to the Commission's public reference room.

All statements received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Christian Broadbent, Senior Special Counsel, Neil Lombardo, Senior Special Counsel, or Jay Williamson, Branch Chief, at (202) 551–6720, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington DC 20549–3628.

SUPPLEMENTARY INFORMATION: In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C.-App. 1, and the regulations thereunder, Sarah ten Siethoff, Designated Federal Officer of the Committee, has ordered publication of this notice.[1]

Vanessa A. Countryman,

Committee Management Officer.

[FR Doc. 2021–23265 Filed 10–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93388; File No. SR–ICC–2021–018]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the ICC Back-Testing Framework

October 20, 2021.

I. Introduction

On August 24, 2021, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (SR–ICC–2021–018) to revise the ICE CDS Clearing: Back-Testing Framework (''Back-Testing Framework'') to include additional description on the lookback period for back-testing and other

[1] Due to scheduling challenges, earlier advance publication was not possible.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

clarifications.[3] The proposed rule change was published in the **Federal Register** on September 14, 2021.[4] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The Back-Testing Framework discusses ICC's back-testing approach and analysis to verify that the number of actual losses is consistent with the number of projected losses, and includes guidelines for remediating poor back-testing results. ICC proposes revising the Back-Testing Framework to include additional description on the lookback period for back-testing, which refers to the maximum back-testing sample size, and other clarifications. The proposed revisions to the Back-Testing Framework are described in detail as follows.[5]

ICC proposes a clarification change in Subsection 1.2 to specify that the ICC Risk Management Department (''ICC Risk'') may consider back-testing analysis based on alternative statistical tests to assess the performance of its models in terms of statistical reliability, in addition to its current consideration of clustering of exceedances, which refers to excessive losses.

ICC proposes new Subsection 2.1 (Lookback Period for Back-Testing of the Production Model with Clearing Participant Portfolios) to include additional description of the lookback period for back-testing, which refers to the maximum back-testing sample size. ICC represents that proposed Subsection 2.1 would not change its methodology.[6] Specifically, proposed Subsection 2.1 defines back-testing as statistics-based hypothesis testing, and clarifies that the larger the sample size is, the more reliable the inference is from such testing. Proposed Subsection 2.1 describes the performance of production model back-testing analysis for Clearing Participant (''CP'') related portfolios reflecting all available observations over periods of various market conditions. The proposed language also describes the maximum back-testing sample size, or the lookback period, and the benefit of allowing for a greater sample size that would incorporate observations from various market regimes to assess model performance and thus ensure more reliable inferences from back-testing. The proposed language also analyzes short lookback periods, which may exclude extreme stress market conditions, in combination with high risk quantile estimates (*e.g.,* greater than 99%). ICC also proposes to introduce an alternative statistical test and describe how the model is considered to pass or fail such test. Proposed Figure 1 provides an illustration under the alternative statistical test across different sample sizes and risk quantiles. Following proposed Figure 1, ICC would explain its rationale for establishing the minimum back-testing window length for the initial margin risk horizon, or the Margin Period of Risk (''MPOR'') model analysis. Proposed Subsection 2.1 also references the performance of additional analyses, as described in Section 4 of the Back-Testing Framework which contain guidelines to remediate poor back-testing results. Proposed Subsection 2.1 includes language concerning the reporting of back-testing results for portfolios, including those with an insufficient number of observations. Given the proposed addition of new Subsection 2.1, ICC proposes to renumber the subsequent subsections of the Back-Testing Framework document.

ICC proposes additional clarifications to the Back-Testing Framework. The proposed amendments include a footnote in amended Subsection 2.6 (BTLS Exceedance Summaries) that references a relevant Commodity Futures Trading Commission (''CFTC'') regulation with respect to ICC's performance of production model 99% back-testing analysis for all CP related portfolios. ICC also proposes amendments to Section 4 (Guidelines to Remediate Poor Back-Testing Results). Currently, poor back-testing results require a peer review of the risk models by the Risk Working Group (''RWG''), which is comprised of risk representatives from ICC's CPs, and remedial actions to improve model performance. Section 4 currently states that model performance analysis along with the model assumptions are presented to the RWG for review and discussions. In addition to the model assumptions, the proposed change would include the number of observations for the RWG's review and discussions. Section 4 also currently states that a back-testing analysis without overlapping periods will be performed in order to confirm poor-backing results if the number of observed exceedances falls in the ''red zone'' of the so-called Basel Traffic Light System (BTLS) of the Basel Committee Supervisory Framework. The proposed rule change would amend such statement to include the RWG's assessment of the sufficiency of the number of observations in performing the portfolio-level back-testing analysis, thus supplementing the current complementary back-testing analysis without overlapping periods. ICC also proposes to update Section 5, containing a list of references, to include a reference to the alternative statistical test described above in the proposed new Subsection 2.1.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[7] For the reasons given below, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Act[8] and Rules 17Ad–22(e)(2)(i) and (v), and 17Ad–22(e)(6)(vi) thereunder.[9]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, as well as to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible.[10]

As discussed above, the proposed rule change would revise the Back-Testing Framework to include additional description of the lookback period for back-testing and other clarifications. For the specific reasons discussed below, the Commission believes that, in general, the proposed rule change would help ensure the sound operation of the Back-Testing Framework that should enhance the overall risk management and financial stability of ICC, and thereby promote ICC's prompt and accurate clearance and settlement of

[3] Capitalized terms used herein but not otherwise defined have the meaning set forth in the ICC Rules or the Back-Testing Framework.

[4] Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Back-Testing Framework, Exchange Act Release No. 92893 (Sept. 8, 2021); 86 FR 51204 (Sept. 14, 2021) (SR–ICC–2021–018) (''Notice'').

[5] The following description of the proposed rule change is substantially excerpted from the Notice.

[6] *See* Notice at 51205.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(2)(i) and (v), and (e)(6)(vi).

[10] 15 U.S.C. 78q–1(b)(3)(F).

credit default swap (''CDS'') transactions, and help assure the safeguarding of securities and funds which are in ICC's custody or control or for which ICC is responsible.

First, the Commission believes that the proposed clarification in Subsection 1.2, in specifying that ICC Risk may use alternative statistical tests to assess the performance of its risk models for statistical reliability, would strengthen its back-testing approach and analysis by supplementing its consideration of the clustering of exceedances or excessive losses.

Second, as discussed above, the proposed rule change also would introduce a new Subsection 2.1 that provides additional detail and explanation regarding the lookback period for its back-testing analysis methodology. Specifically, the Commission believes that proposed Subsection 2.1, in clarifying that back-testing is statistics-based hypothesis testing and that a larger sample size enhances the reliability of the inferences from such testing, would establish a clear risk management rationale for ICC's methodology to assess the performance of production model back-testing analysis for CP related portfolios reflecting all available observations over periods of various market conditions. The Commission also believes that proposed Subsection 2.1, in analyzing short lookback periods and describing in detail an alternative statistical test by illustrating its application across different sample sizes and risk quantiles, would provide a transparent, risk-based explanation for setting the minimum back-testing window length for ICC's MPOR model analysis. The Commission also believes that proposed Subsection 2.1, in referencing additional analyses described in Section 4 (Guidelines to Remediate Poor Back-Testing Results), and describing the reporting of back-testing results for portfolios, including those with an insufficient number of observations, would enhance the clarity and transparency of ICC's back-testing procedures and contribute to the effective implementation of its overall back-testing approach. The Commission also believes that the proposed renumbering of sections that follow proposed new Subsection 2.1 will provide further clarity and enhance the readability of the Back-Testing Framework document.

Third, as discussed above, ICC proposes additional clarifications to the Back-Testing Framework that the Commission believes, taken together, will enhance the clarity of its back-testing approach, procedures, and guidelines for remediating poor back-testing results. Specifically, the proposed amendments to Subsection 2.6 (BTLS Exceedance Summaries), in clearly referencing a relevant CFTC regulation with respect to ICC's performance of production model 99% back-testing analysis for all CP related portfolios, would help assure continued compliance with such regulation. The proposed amendments to Section 4 (Guidelines to Remediate Poor Back-Testing Results), in specifying that the RWG will review and discuss the number of observations in conducting its risk model performance analysis, and also assess the sufficiency of the number of observations on the portfolio level back-testing analysis without overlapping periods, would strengthen the RWG's analysis and better inform remedial actions. Finally, the proposed amendment to Section 5, in including a clear reference to the alternative statistical test described above in the proposed new Subsection 2.1, would assure that the RWG and relevant ICC Risk personnel have access to further details in using such test.

By helping to assure the sound operation of the Back-Testing Framework, which ICC uses to manage the credit exposures associated with clearing CDS transactions, the Commission believes that the proposed rule change would help improve ICC's ability to avoid the losses that could result from the miscalculation of ICC's credit exposures and margin requirements for such transactions. Because such losses could disrupt ICC's ability to operate and thus clear and settle CDS transactions, the Commission finds the proposed rule change, by helping to enhance ICC's overall risk management and financial stability, would promote the prompt and accurate clearance and settlement of securities and derivative transactions. Because such losses could also threaten access to securities and funds in ICC's control, the Commission finds the proposed rule change would help assure the safeguarding of securities and funds that are in the custody or control of ICC or for which it is responsible.

Therefore, the Commission finds that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions, and assure the safeguarding of securities and funds in ICC's custody and control or for which ICC is responsible, consistent with Section 17A(b)(3)(F) of the Act.[11]

[11] 15 U.S.C. 78q–1(b)(3)(F).

B. Consistency With Rules 17Ad–22(e)(2)(i) and (v) Under the Act

Rules 17Ad–22(e)(2)(i) and (v) require that ICC establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility, respectively.[12] As discussed above, the Commission believes that the proposed rule change, in specifying that ICC Risk may use alternative statistical tests to assess the performance of its risk models for statistical reliability, would provide ICC Risk with procedural clarity in conducting its back-testing analysis of risk models. The Commission believes that the proposed amendments in Section 4, in specifying that the RWG will review and discuss the number of observations in conducting its risk model performance analysis, and also assess the sufficiency of the number of observations on the portfolio level back-testing analysis without overlapping periods, would clarify the scope of the RWG's responsibility in reviewing poor back-testing results and would help the RWG to take more fully informed remedial actions, such as making risk model enhancements or introducing ad-hoc parameter values to achieve an increased conservative bias of the risk models. Finally, the proposed amendment to Section 5, in including a clear reference to the alternative statistical test described above in the proposed new Subsection 2.1, would assure that the RWG and relevant ICC Risk personnel have the correct source document to govern the ongoing use of such test for verifying the accuracy of risk management models.

The Commission believes that these aspects of proposed rule change would clearly assign and document the respective roles and responsibilities of ICC Risk and the RWG in implementing the Back-Testing Framework, and thereby improving the related governance arrangements for performing the appropriate scope of back-testing analysis and taking remedial actions if poor back-testing results warrant such action. The Commission therefore finds that the proposed rule change is consistent with Rules 17Ad–22(e)(2)(i) and (v).[13]

C. Consistency With Rule 17Ad–22(e)(6)(vi) Under the Act

Rule 17Ad–22(e)(6)(vi) requires that ICC establish, implement, maintain and enforce written policies and procedures

[12] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[13] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, is monitored by management on an ongoing basis and is regularly reviewed, tested, and verified by, among other things: (A) Conducting backtests of its margin model at least once each day using standard predetermined parameters and assumptions; and (B) conducting a sensitivity analysis of its margin model and a review of its parameters and assumptions for backtesting on at least a monthly basis, and considering modifications to ensure the backtesting practices are appropriate for determining the adequacy of ICC's margin resources.[14]

Consistent with such back-testing requirements, the proposed rule change would not modify ICC Risk's current back-testing practices of performing daily, weekly, monthly, and quarterly portfolio-level back-testing analyses, performing monthly parameter reviews and parameter sensitivity analyses, and remediating poor back-testing results under the Back-Testing Framework.[15] For the reasons discussed below, the Commission finds that the proposed rule change would enhance such back-testing practices to help ICC monitor its credit exposures to its clearing participants and maintain the ongoing effectiveness of its risk-based margin system and overall risk management framework. As described above, proposed new Subsection 2.1 (Lookback Period for Back-Testing of the Production Model with Clearing Participant Portfolios), in adding a detailed description of the maximum back-testing sample size, or lookback period, and an alternative statistical test for enhanced analysis and verification of the accuracy of risk model performance, would clarify and strengthen ICC's back-testing analysis for CP related portfolios. Proposed Subsection 2.1, in establishing the minimum back-testing window length for the Margin Period of Risk (MPOR) model analysis, subjecting the MPOR model to the performance of additional analyses for portfolios with an insufficient number of available observations, and clarifying the reporting of back-testing results for such portfolios, would help ensure that the back-testing practices for MPOR models are appropriate for determining the accuracy of ICC's margin resources. If red-zone results appear from overlapping back-testing periods, Section 4, as amended, would require ICC Risk to assess the sufficiency of the number of observations on the portfolio-level back-testing analysis, which would supplement its complementary back-testing analysis without overlapping periods. The Commission therefore finds that these aspects of the proposed rule change, taken together, are consistent with Rule 17Ad–22(e)(6)(vi).[16]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[17] and Rules 17Ad–22(e)(2)(i) and (v), and 17Ad–22(e)(6)(vi) thereunder.[18]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[19] that the proposed rule change (SR–ICC–2021–018) be, and hereby is, approved.[20]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–23258 Filed 10–25–21; 8:45 am]

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[14] 17 CFR 240.17Ad–22(e)(6)(vi).

[15] *See* Notice at 51205.

[16] 17 CFR 240.17Ad–22(e)(6)(vi).

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] 17 CFR 240.17Ad–22(e)(2)(i) and (v), and (e)(6)(vi).

[19] 15 U.S.C. 78s(b)(2).

[20] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17217 and #17218; Pennsylvania Disaster Number PA–00116]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Pennsylvania (FEMA–4618–DR), dated 10/08/2021.

Incident: Remnants of Hurricane Ida.

Incident Period: 08/31/2021 through 09/05/2021.

DATES: Issued on 10/20/2021.

Physical Loan Application Deadline Date: 12/07/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/08/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Pennsylvania, dated 10/08/2021, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Dauphin, Delaware.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–23307 Filed 10–25–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17147 and #17148; New York Disaster Number NY–00208]

Presidential Declaration Amendment of a Major Disaster for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of New York (FEMA–4615–DR), dated 09/05/2021.

Incident: Remnants of Hurricane Ida.

Incident Period: 09/01/2021 through 09/03/2021.

DATES: Issued on 10/20/2021.

Physical Loan Application Deadline Date: 11/04/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 06/06/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of NEW YORK,

dated 09/05/2021, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Dutchess.

Contiguous Counties (Economic Injury Loans Only):

New York: Columbia, Ulster.
Connecticut: Litchfield.
Massachusetts: Berkshire.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2021–23305 Filed 10–25–21; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2021–0044]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions, and one extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA. Comments: *https://www.reginfo.gov/public/do/PRAMain.* Submit your comments online referencing Docket ID Number [SSA–2021–0044].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.* Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2021–0044].

SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than November 26, 2021. Individuals can obtain copies of these OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Request for Waiver of Overpayment Recovery and Request for Change in Overpayment Recovery Rate—20 CFR 404.502, 404.506–404.512, 416.550–416.558, 416.570–416.571—0960–0037.*

When Social Security beneficiaries and Supplemental Security Income (SSI) recipients receive an overpayment, they must return the extra money. These beneficiaries and recipients can use Form SSA–632–BK, Request for Waiver of Overpayment Recovery, to request a waiver from repaying their overpayment. Beneficiaries and recipients can also use Form SSA–634, Request for Change in Overpayment Recovery, to request a change to the monthly recovery rate of their overpayment. The respondents must provide financial information to help the agency determine how much the overpaid person can afford to repay each month. The respondents are individuals who are overpaid Social Security or SSI payments who are requesting:

(1) A waiver of recovery of an overpayment, or (2) a lesser rate of withholding.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–632—Request for Waiver of Overpayment Recovery (If completing entire paper form, including the AFI authorization)	400,000	1	120	800,000	* $10.95	** 21	*** $10,293,000
SSA–634—Request for Change in Overpayment Recovery Rate (Completing paper form)	100,000	1	45	75,000	* 10.95	** 21	*** 1,204,500
Totals	500,000			875,000			*** 11,497,500

* We based this figure on the average DI payments based on SSA's current FY 2021 data (*https://www.ssa.gov/legislation/2021FactSheet.pdf*).

** We based this figure on averaging both the average FY 2021 wait times for field offices and teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. *Statement of Claimant or Other Person—20 CFR 404.702 & 416.570—0960–0045.* SSA uses Form SSA–795, Statement of Claimant or Other Person, in special situations where there is no authorized form or questionnaire, yet we require a signed statement from the applicant, claimant, or other individuals who have knowledge of facts, in connection with claims for Social Security benefits or SSI. The information we request on the SSA–795 is of sufficient importance that we need both a signed statement and a penalty clause. SSA uses this information to process, in addition to claims for benefits, issues about continuing eligibility; ongoing benefit amounts; use of funds by a representative payee; fraud investigation; and a myriad of other program-related matters. The most common respondents are applicants for Social Security, SSI, or recipients of these programs. However, respondents also include friends and relatives of the involved parties, coworkers, neighbors, or anyone else in a position to provide information pertinent to the issue(s).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–795 (paper version)	207,239	1	15	51,810	* $10.95	** 24	*** $1,475,031
SSA–795 (Person Statement) electronic version	24,583	1	15	6,146	* 27.07		*** 166,372
Totals	231,822			57,956			*** 1,641,403

* We based these figures on the average DI payments based on SSA's current FY 2021 data (*https://www.ssa.gov/legislation/2021FactSheet.pdf*) and on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).
** We based this figure on the average FY 2021 wait time for field offices, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Claimant's Medication—20 CFR 404.1512, 416.912—0960–0289.* In cases where claimants request a hearing after denial of their disability claim for Social Security, SSA uses Form HA–4632, Claimant's Medications, to request information from the claimant regarding the medications they use. This information helps the judge overseeing the case to fully investigate: (1) The claimant's medical treatment and (2) the effects of the medications on the claimant's medical impairments and functional capacity. The judge makes the completed form a part of the documentary evidence of record, placing it in the official record of the proceedings as an exhibit. The respondents are applicants (or their representatives) for Old Age Survivors and Disability Insurance (OASDI) benefits or SSI payments who request a hearing to contest an agency denial of their claim.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
HA–4632 (PDF/paper version)	53,200	1	15	13,300	* $10.95	** 24	*** $378,651
Electronic Records Express Submissions	136,800	1	15	34,200	* 27.07		*** 925,794
Totals	190,000			47,500			*** 1,304,445

* We based these figures on the average DI payments based on SSA's current FY 2021 data (*https://www.ssa.gov/legislation/2021FactSheet.pdf*) and on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).
** We based this figure on the average FY 2021 wait times for field offices, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. *Disability Report—Adult—20 CFR 404.1512 and 416.912—0960–0579.* State Disability Determination Services (DDS) use the SSA–3368, Disability Report-Adult, and its electronic versions to determine if adult disability applicants' impairments are severe and, if so, how the impairments affect the applicants' ability to work. This determination dictates whether the DDSs and SSA will find the applicant to be disabled and entitled to SSI payments. The respondents are applicants for Title II disability benefits or Title XVI SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–3368 (Paper)	6,045	1	90	9,068	* $10.95	** 21	*** $122,465
EDCS 3368 (Intranet)	1,263,104	1	90	1,894,656	* 10.95	** 21	*** 25,587,325
i3368 (Internet)	989,361	1	90	1,484,042	* 10.95		*** 16,250,260
Totals	2,258,510			3,387,766			*** 41,960,050

* We based this figure on the average DI payments based on SSA's current FY 2021 data (*https://www.ssa.gov/legislation/2021FactSheet.pdf*).
** We based this figure on averaging both the average FY 2021 wait times for field offices and teleservice centers, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. *Request for Internet Services and 800# Automated Telephone Services Knowledge-Based Authentication (RISA–KBA)—20 CFR 401.45—0960–0596.* The Request for Internet Services and 800# Automated Telephone Services (RISA) Knowledge-Based Authentication (KBA) is one of the authentication methods SSA uses to allow individuals access to their personal information through our Internet and Automated Telephone Services. SSA asks individuals and third parties who seek personal information from SSA records, or who register to participate in SSA's online business services, to provide certain identifying information. As an extra

measure of protection, SSA asks requestors who use the Internet and Automated Telephone Services to provide additional identifying information unique to those individuals so SSA can authenticate their identities before releasing personal information. The respondents are current beneficiaries who are requesting personal information from SSA, and individuals and third parties who are registering for SSA's online business services.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Internet Requestors	2,921,795	1	3	146,090	* $27.07	** $3,954,656
Telephone Requestors	1,157,833	1	4	77,189	* 27.07	** 2,089,506
Totals	4,079,628			198,930		** 6,044,162

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

6. *Testimony by Employees and the Production of Records and Information in Legal Proceedings—20 CFR 403.100–403.155—0960–0619.* Regulations at 20 CFR 403.100–403.155 of the Code of Federal Regulations establish SSA's policies and procedures for an individual; organization; or government entity to request official agency information, records, or testimony of an agency employee in a legal proceeding when the agency is not a party. The request, which respondents submit in writing to SSA, must: (1) Fully set out the nature and relevance of the sought testimony; (2) explain why the information is not available by other means; (3) explain why it is in SSA's interest to provide the testimony; and (4) provide the date, time, and place for the testimony. Respondents are individuals or entities who request testimony from SSA employees in connection with a legal proceeding.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
20 CFR 403.100–403.155	100	1	60	100	* $27.07	** $2,707

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

7. *Function Report—Adult-Third Party—20 CFR 404.1512 & 416.912—0960–0635.* Individuals receiving or applying for Social Security Disability Insurance (SSDI) or SSI provide SSA with medical evidence and other proof SSA requires to prove their disability. SSA, and DDS on our behalf, collect this information using Form SSA–3380–BK, Function Report—Adult-Third Party. We use the information to document how claimant's disabilities affect their ability to function, and to determine eligibility for SSI and SSDI claims. The respondents are third parties familiar with the functional limitations (or lack thereof) of claimants who apply for SSI and SSDI benefits.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)	Average theoretical hourly cost amount (dollar) *	Total annual opportunity cost (dollars) **
SSA–3380–BK	709,700	1	61	721,528	* $27.07	** $19,531,763

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

8. *Certification of Prisoner Identity Information—20 CFR 422.107—0960–0688.* Inmates of Federal, State, or local prisons may need a Social Security card as verification of their Social Security number for school or work programs, or as proof of employment eligibility upon release from incarceration. Before SSA can issue a replacement Social Security card, applicants must show SSA proof of their identity. People who are in prison for an extended period typically do not have current identity documents. Therefore, under written agreement with the correctional institution, SSA allows prison officials to verify the identity of certain incarcerated U.S. citizens who need replacement Social Security cards. Prison officials provide SSA information from the official prison files, sent on correctional facility letterhead. SSA uses this information to establish the applicant's identity in the replacement Social Security card process. The respondents are prison officials who certify the identity of

prisoners applying for replacement Social Security cards.

Type of Request: Extension of an OMB-approved Information Collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Verification of Prisoner Identity Statements ..	1,000	200	200,000	3	10,000	* $28.80	$288,000

* We based this figure on average Probation Officers and Correctional Treatment Specialists hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes211092.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: October 21, 2021.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2021–23273 Filed 10–25–21; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 11570]

Notice of Shipping Coordinating Committee Meeting in Preparation for International Maritime Organization MEPC 77 Meeting

The Department of State will conduct a public meeting of the Shipping Coordinating Committee at 10:00 a.m. on Wednesday, November 17, 2021, by way of teleconference. Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants. To RSVP, participants should contact the meeting coordinator, LCDR Jessica Anderson, by email at *jessica.p.anderson@uscg.mil.* To access the teleconference line participants should call (202) 475–4000 and use Participant Code: 138 541 34#.

The primary purpose of the meeting is to prepare for the seventy seventh session of the International Maritime Organization's (IMO) Marine Environment Protection Committee to be held virtually from Monday, November 22, 2021 to Friday, November 26, 2021. The agenda items to be considered at the advisory committee meeting mirror those to be considered at MEPC 77, and include:

—Adoption of the agenda
—Decisions of other bodies
—Identification and protection of Special Areas, ECAs and PSSAs
—Harmful aquatic organisms in ballast water
—Air pollution prevention
—Energy efficiency of ships
—Reduction of GHG emissions from ships
—Follow-up work emanating from the Action Plan to address marine plastic litter from ships
—Pollution prevention and response
—Reports of other sub-committees
—Work programme of the Committee and subsidiary bodies
—Application of the Committee's method of work
—Any other business
—Consideration of the report of the Committee

Please note: the IMO may, on short notice, adjust the MEPC 77 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP and those in attendance at the meeting.

Those who plan to participate may contact the meeting coordinator, LCDR Jessica Anderson, by email at *Jessica.P.Anderson@uscg.mil,* or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509. Members of the public needing reasonable accommodation should advise LCDR Jessica Anderson not later than November 15, 2021. Requests made after that date will be considered, but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Emily A. Rose,

Executive Secretary, Shipping Coordinating Committee, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2021–23290 Filed 10–25–21; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0984]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Pilot School Certification

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 Office of Management and Budget (OMB) approval to renew an information collection. The collection involves filling out the Application for a Pilot School Certification form and submitting this form to the Federal Aviation Administration (FAA). The information to be collected is necessary because an applicant for a pilot school must receive the FAA Administrator's approval for the issuance of a pilot school certificate. We have revised the name of this information collection for consistency with FAA form 8420–8, Application for Pilot School Certification. We have also updated the number of pilot schools

DATES: Written comments should be submitted by December 27, 2021.

ADDRESSES: Please send written comments to:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By Mail: Jean M. Hardy, General Aviation and Commercial Division, Training and Certification Group, AFS 810, Portland Flight Standards District Office, 82 Running Hill Road, Suite 300, South Portland, Maine 04106.

FOR FURTHER INFORMATION CONTACT: Jean M. Hardy, by email at *Jean.Hardy@faa.gov;* phone: 207–289–7287.

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 the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0009.

Title: Application for Pilot School Certification.

Form Numbers: 8420–8.

Type of Review: This is a renewal of an information collection.

Background: The information on FAA From 8420–8, Application for Pilot School Certification, is required from applicants who wish certification as a pilot school with the associated ratings, or who wish to renew their pilot school certification. On previous renewals, the title of this information collection and notice was ''Pilot Schools—FAR 141''. We have revised the name of this information collection as the term ''FAR'' is no longer used to reference aviation regulations. Because of this change, and to add clarity, we are using the name of the FAA form 8420–8, Application for Pilot School Certification. Pilot schools are mandated to report information to the FAA and to keep specific records. Pilot schools train private, commercial, flight instructor, and airline transport pilots, along with training for associated ratings in various types of aircraft. The FAA form 8240–8 is necessary to assure continuing compliance with part 141, renewal of pilot school certificates every 24 months, and for any amendments to pilot school certificates.

The FAA is also making a burden adjustment to the number of pilot schools. Currently, this number is 527. We estimate 31 new applications for an original certification annually from applicants for a pilot school certificate. We estimate 263 applications for renewal annually. This figure represents approximately half of the current 527 certificated pilot schools.

Respondents: Respondents include new applications, renewals of the pilot school certification, and amendments to an existing pilot school.

Frequency: Every 24 months certificated pilot schools must renew their pilot school certification.

Estimated Average Burden per response: We anticipate 31 new applications at a rate of 0.5 hours for a total of 15.5 hours. We also anticipate 263 applications for renewals at a rate of 0.5 hours for a total of 131.5 hours. Additionally, we estimate 20 applications for an amendment to their pilot school certificate at a rate of 0.5 hours for a total burden of 10.0 hours.

Estimated Total annual Burden: The cumulative total burden is estimated to be 157 hours per year.

Issued in Washington, DC, on October 21, 2021.

Jean M. Hardy,

Aviation Safety Inspector, Office of Safety Standards, General Aviation and Commercial Division, Training and Certification Group.

[FR Doc. 2021–23286 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Public Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FAA is hosting a virtual Inclusive Language Summit to present and discuss recommendations the Agency has received that promote the institution of inclusive language throughout the FAA. The Summit will provide a platform for the public to comment and provide additional recommendations to the FAA as it develops an enterprise-wide initiative to adopt language that is both gender-neutral and inclusive. In the spirit of bringing all voices to the conversation, the FAA seeks participation from all members of the public; stakeholders in public agencies; academia; not-for profit institutions; individuals working in the area of diversity, equity, inclusion, and accessibility (DEIA); and the aerospace community. Input from a diverse audience will assist the FAA in developing policies, procedures and plans for implementation of terminology that is inclusive in nature in all aspects of FAA governance and oversight as well as in the international context under FAA's global leadership.

DATES: The virtual meeting will be held on November 10, 2021, from 10:00 a.m. to 12:30 p.m. Eastern Time.

Requests for accommodations to a disability must be received by November 1, 2021. Written comments or recommendations will be received until November 30, 2021.

ADDRESSES: This will be a virtual meeting and livestreamed on FAA's social media platforms for members of the public to observe. To observe, follow FAA social media platforms on the day of the event at *https://www.facebook.com/FAA, https://www.youtube.com/FAAnews,* or *https://twitter.com/FAANews.*

FOR FURTHER INFORMATION CONTACT: Thomas Cuddy, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone (202) 267–5869; email: *DEIA@faa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The FAA's mission is to provide the safest, most efficient aerospace system in the world. We strive to reach the next level of safety and efficiency and to demonstrate global leadership in how we safely integrate new users and technologies into our aerospace system. Because language matters, embracing diversity and inclusion will have a significant impact on bringing all voices into the conversation to help further the FAA's mission. To lead the aerospace industry into the next century, the FAA must actively promote values of DEIA. The words and language that we use in all communication channels, both for internal and external use, as well as rules, regulations and associated policies and guidance, must match this objective. If any individual employee, contractor or industry partner feels excluded or marginalized because of language or words, the work of the agency suffers and opportunities for achievement are diminished.

The FAA has initiated efforts to expand inclusive language across the Agency. In 2019, the FAA first tasked the Federal Women's Program to begin to develop recommendations for gender neutral language. Furthermore, in February 2021, the FAA tasked the Drone Advisory Committee (DAC) to develop recommendations for gender-neutral language as an alternative to gender specific terms currently used in the drone and aviation communities. The FAA also tasked DAC to take the lead to facilitate the adoption of gender-neutral language throughout the drone community and provide recommendations that organizations across the industry and community can implement. The DAC presented its recommendations to the FAA in June 2021 and they are posted on the FAA's DAC web page.[1] Please refer to page 110 of the June 2021 DAC meeting ebook for a recommended list of changes.

[1] *See* pages 97–136 of the Drone Advisory Committee Public e-Book at *https://www.faa.gov/uas/programs_partnerships/drone_advisory_committee/media/DAC_Public_eBook_06_23_2021.pdf.*

The FAA acknowledges that many of the terms that the DAC proposed to incorporate are not new words, nor are they new to aviation. The DAC's recommendations, in addition to other similar concurrent initiatives, have sparked a wider conversation across the Agency about formally embracing more inclusive language, including terminology that is gender-neutral. Replacing gender-based terms with new inclusive terminology is expected to create a more inclusive and accepting environment within the FAA and the aerospace industry as a whole. However, the FAA recognizes the importance of gathering public input on the proposed DAC terminology, as well as alternative terminology, that FAA should consider adopting in furtherance of its goal to ensure equality, which can only be accomplished through the elimination of bias and discrimination on the basis of sex, including the person's sexual orientation, gender identity, or pregnancy. The FAA notes that implementation of policies and plans related to the adoption of inclusive terminology may necessitate changes in legislation, as well as rules and regulations. However, the FAA is committed to ensuring FAA is both a workplace and a regulatory agency free of bias and discrimination in all practices.

II. Public Participation

The Inclusive Language Summit is open to the public. Members of the public will have an opportunity to provide feedback or additional recommendations to the Agency's proposal to adopt language that is more inclusive.

Members of the public are also welcome to submit written recommendations. Please send written documents to the email address in the **FOR FURTHER INFORMATION CONTACT** section.

In the spirit of bringing all voices to the conversation, the FAA seeks participation from all members of the public; stakeholders in public agencies; academia; not-for profit institutions; individuals working in the area of DEIA; and the aviation community. Input from a diverse audience will assist the FAA in developing policies and procedures that are inclusive in nature and strengthen the FAA's goal of becoming an employer of choice and the Agency's mission to be a global aerospace leader.

The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may submit comments and questions for the FAA's consideration to the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. On the day of the event participants will be given the opportunity to ask questions in near real time through a link provided on the FAA's social media pages located in **ADDRESSES** section.

Issued in Washington, DC.

Timothy R. Adams,

Acting Executive Director, Office of Rulemaking.

[FR Doc. 2021–23280 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–2000–7165; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15892; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2005–21254; FMCSA–2005–21711; FMCSA–2006–24783; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2007–27333; FMCSA–2007–27515; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2008–0021; FMCSA–2008–0398; FMCSA–2009–0086; FMCSA–2009–0121; FMCSA–2010–0082; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0201; FMCSA–2010–0327; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0057; FMCSA–2011–0092; FMCSA–2011–0102; FMCSA–2011–0141; FMCSA–2011–0142; FMCSA–2011–0189; FMCSA–2012–0040; FMCSA–2012–0279; FMCSA–2012–0280; FMCSA–2013–0021; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2014–0010; FMCSA–2014–0300; FMCSA–2014–0304; FMCSA–2014–0305; FMCSA–2015–0048; FMCSA–2015–0049; FMCSA–2015–0052; FMCSA–2015–0053; FMCSA–2015–0350; FMCSA–2016–0028; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0213; FMCSA–2016–0214; FMCSA–2017–0016; FMCSA–2017–0018; FMCSA–2017–0019; FMCSA–2017–0022; FMCSA–2017–0023; FMCSA–2019–0006; FMCSA–2019–0008; FMCSA–2019–0011; FMCSA–2019–0013]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 102 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–1998–4334, FMCSA–2000–7165, FMCSA–2001–9561, FMCSA–2003–14504, FMCSA–2003–15892, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2005–20560, FMCSA–2005–21254, FMCSA–2005–21711, FMCSA–2006–24783, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2007–27333, FMCSA–2007–27515, FMCSA–2007–27897, FMCSA–2007–28695, FMCSA–2008–0021, FMCSA–2008–0398, FMCSA–2009–0086, FMCSA–2009–0121, FMCSA–2010–0082, FMCSA–2010–0161, FMCSA–2010–0187, FMCSA–2010–0201, FMCSA–2010–0327, FMCSA–2010–0372, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0057, FMCSA–2011–0092, FMCSA–2011–0102, FMCSA–2011–0141, FMCSA–2011–0142, FMCSA–2011–0189, FMCSA–2012–0040, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0021, FMCSA–2013–0025, FMCSA–2013–0027, FMCSA–2013–0029, FMCSA–2013–0030, FMCSA–2013–0165, FMCSA–2014–0010, FMCSA–2014–0300, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0048, FMCSA–2015–0049, FMCSA–2015–0052, FMCSA–2015–0053, FMCSA–2015–0350, FMCSA–2016–0028, FMCSA–2016–0033, FMCSA–2016–0210, FMCSA–2016–0213, FMCSA–2016–0214, FMCSA–2017–0016, FMCSA–2017–

0018, FMCSA–2017–0019, FMCSA–2017–0022, FMCSA–2017–0023, FMCSA–2019–0006, FMCSA–2019–0008, FMCSA–2019–0011, or FMCSA–2019–0013 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

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

II. Background

On August 26, 2021, FMCSA published a notice announcing its decision to renew exemptions for 102 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (86 FR 47710). The public comment period ended on September 27, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 102 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of October and are discussed below.

As of October 3, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 85 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 66226, 64 FR 16517, 65 FR 33406, 65 FR 57234, 66 FR 17994, 66 FR 30502, 66 FR 41654, 67 FR 57266, 68 FR 19598, 68 FR 33570, 68 FR 35772, 68 FR 44837, 69 FR 52741, 69 FR 53493, 69 FR 62742, 70 FR 2701, 70 FR 16887, 70 FR 17504, 70 FR 25878, 70 FR 30997, 70 FR 33937, 70 FR 41811, 71 FR 32183, 71 FR 41310, 71 FR 53489, 71 FR 62148, 71 FR 63379, 72 FR 180, 72 FR 1051, 72 FR 9397, 72 FR 11425, 72 FR 12666, 72 FR 21313, 72 FR 25831, 72 FR 28093, 72 FR 32703, 72 FR 32705, 72 FR 39879, 72 FR 40362, 72 FR 46261, 72 FR 52419, 72 FR 54972, 73 FR 15567, 73 FR 27015, 73 FR 36955, 73 FR 51336, 73 FR 61925, 73 FR 78423, 74 FR 7097, 74 FR 8302, 74 FR 8842, 74 FR 15584, 74 FR 15586, 74 FR 19267, 74 FR 20253, 74 FR 26461, 74 FR 26464, 74 FR 28094, 74 FR 34395, 74 FR 34630, 74 FR 41971, 74 FR 43221, 74 FR 43223, 75 FR 19674, 75 FR 25919, 75 FR 36779, 75 FR 39725, 75 FR 39729, 75 FR 47883, 75 FR 52062, 75 FR 54958, 75 FR 59327, 75 FR 61833, 75 FR 63257, 75 FR 65057, 75 FR 70078, 75 FR 77492, 75 FR 79081, 75 FR 79083, 76 FR 5425, 76 FR 7894, 76 FR 9856, 76 FR 11215, 76 FR 12216, 76 FR 15361, 76 FR 18824, 76 FR 20076, 76 FR 20078, 76 FR 21796, 76 FR 25766, 76 FR 29022, 76 FR 29024, 76 FR 29026, 76 FR 34135, 76 FR 37168, 76 FR 37173, 76 FR 37885, 76 FR 40445, 76 FR 44082, 76 FR 44652, 76 FR 44653, 76 FR 49528, 76 FR 53708, 76 FR 53710, 76 FR 54530, 76 FR 55469, 76 FR 61143, 77 FR 23797, 77 FR 23799, 77 FR 33558, 77 FR 40945, 77 FR 40946, 77 FR 52389, 77 FR 56262, 77 FR 60008, 77 FR 60010, 77 FR 64583, 77 FR 64839, 77 FR 68200, 77 FR 71671, 77 FR 74734, 77 FR 75494, 77 FR 75496, 78 FR 800, 78 FR 10251, 78 FR 12822, 78 FR 14410, 78 FR 16761, 78 FR 16762, 78 FR 18667, 78 FR 20376, 78 FR 20379, 78 FR 24798, 78 FR 30954, 78 FR 34140, 78 FR 34141, 78 FR 34143, 78 FR 37270, 78 FR 41975, 78 FR 46407, 78 FR 47818, 78 FR 51268, 78 FR 51269, 78 FR 52602, 78 FR 56986, 78 FR 56993, 78 FR 57679, 78 FR 63307, 78 FR 77782, 78 FR 78477, 79 FR 4531, 79 FR 14328, 79 FR 23797, 79 FR 24298, 79 FR 27365, 79 FR 46300, 79 FR 51643, 79 FR 56117, 79 FR 64001, 79 FR 65760, 79 FR 73393, 79 FR 73686, 79 FR 74169, 80 FR 603, 80 FR 2473, 80 FR 12254, 80 FR 12547, 80 FR 14223, 80 FR 15859, 80 FR 15863, 80 FR 16500, 80 FR 18693, 80 FR 20558, 80 FR 22773, 80 FR 25766, 80 FR 26139, 80 FR 29149, 80 FR 31636, 80 FR 31640, 80 FR 33009, 80 FR 33011, 80 FR 35699, 80 FR 36395, 80 FR 36398, 80 FR 37718, 80 FR 40122, 80 FR 41547, 80 FR 45573, 80 FR 48402, 80 FR 48404, 80 FR 48409, 80 FR 48411, 80 FR 48413, 80 FR 50917, 80 FR 53383, 80 FR 59225, 80 FR 62163, 80 FR 63869, 81 FR 14190, 81 FR 15401, 81 FR 20435, 81 FR 39100, 81 FR 39320, 81 FR 59266, 81 FR 66720, 81 FR 71173, 81 FR 72664, 81 FR 74494, 81 FR 80161, 81 FR 81230, 81 FR 91239, 81 FR 94013, 81 FR 96165, 81 FR 96180, 82 FR 12678, 82 FR 13043, 82 FR 13048, 82 FR 13187, 82 FR 15277, 82 FR 18818, 82 FR 18949, 82 FR 18954, 82 FR 22379, 82 FR 23712, 82 FR 24430, 82 FR 28734, 82 FR 32919, 82 FR 33542, 82 FR 35043, 82 FR 35050, 82 FR 37499, 82 FR 37504, 82 FR 47295, 82 FR 47309, 82 FR 47312, 83 FR 4537, 83 FR 15195, 83 FR 24146, 83 FR 28325, 83 FR 34661, 83 FR 40638, 83 FR 53724, 84 FR 2311, 84 FR 2314, 84 FR 2326, 84 FR 11859, 84 FR 12665, 84 FR 16320, 84 FR 16333, 84 FR 21397, 84 FR 21401, 84 FR 27685, 84 FR 27688, 84 FR 33801, 84 FR 47038, 84 FR 47045, 84 FR 47052, 84 FR 47057, 84 FR 52166):

Charles L. Alsager, Jr. (IA)
Thomas A. Barber (NC)
Ronald J. Bergman (OH)
Jan M. Bernath (OH)
Johnny A. Beutler (SD)
John A. Bridges (GA)
John P. Brooks (IL)
Shaun E. Burnett (IA)
Juan R. Cano (TX)
Jonathan E. Carriaga (NM)
Anthony J. Cesternino (VA)
David E. Crane (OH)
Christopher A. Deadman (MI)
Kenneth Dionisi (MI)
Russell R. Dixon (VA)
Arthur Dolengewicz (NY)
Tracy A. Doty (TN)
Glenn E. Dowell (IN)
Verlin L. Driskell (NE)
Robin C. Duckett (SC)
Edward Dugue III (NC)
Dominick P. Fittipaldi (PA)
Joe M. Flores (NM)
Ricky J. Franklin (OR)
Hugo A. Galvis Barrera (GA)
Steven G. Garrett (CA)

Steven A. Garrity (MA)
Ricky L. Gillum (KY)
Bret S. Graham (ME)
Mark A. Grenier (CT)
Kevin S. Haas (PA)
David A. Hayes (GA)
Melvin L. Hipsley (MD)
Steven C. Holland (OK)
Wade J. Jandreau (ME)
Joseph E. Jones (GA)
Clyde H. Kitzan (ND)
Gerald D. Larson (WI)
Jason C. Laub (OH)
Edward J. Lavin (CT)
Gregory K. Lilly (WV)
Pedro G. Limon (TX)
Craig R. Martin (TX)
Michael L. Martin (OH)
David McKinney (OR)
Brian S. Metheny (PA)
David A. Miller (NE)
James J. Mitchell (NC)
Johnny Montemayor (TX)
Earl R. Neugerbauer (CO)
Thomas G. Normington (WY)
Frank L. O'Rourke (NY)
Joseph B. Peacock (NC)
Kenneth D. Perkins (NC)
Mark A. Pirl (NC)
Reginald I. Powell (IL)
John J. Pribanic (TX)
Shannon L. Puckett (KY)
William A. Ramirez Vasquez (CA)
John C. Rodriguez (PA)
Vincent Rubino (NJ)
Benito Saldana (TX)
Daniel Salinas (OR)
Bobby W. Sanders (TN)
Scott W. Schilling (ND)
Tim M. Seavy (IN)
John M. Sexton (CA)
Randal J. Shabloski (PA)
Phillip Shelburne (TX)
Rick J. Smart (NH)
David C. Snellings (MD)
Scott C. Starr (NJ)
Artis Suitt (NC)
Rodney W. Sukalski (MN)
Lee F. Taylor (NJ)
Thomas L. Terrell (IA)
Bill J. Thierolf (NE)
Larry A. Tidwell (MO)
Malcolm J. Tilghman, Sr. (DE)
Larry D. Warneke (WA)
Harry S. Warren (FL)
Ricky L. Watts (FL)
Paul C. Weiss (PA)
Mark B. Wilmer (VA)
Norman G. Wooten (TX)

The drivers were included in docket numbers FMCSA–1998–4334, FMCSA–2000–7165, FMCSA–2001–9561, FMCSA–2003–14504, FMCSA–2004–18885, FMCSA–2005–20027, FMCSA–2005–20560, FMCSA–2006–24783, FMCSA–2006–25246, FMCSA–2006–26066, FMCSA–2007–27333, FMCSA–2007–27515, FMCSA–2007–27897, FMCSA2007–28695, FMCSA–2008–0021, FMCSA–2008–0398, FMCSA–2009–0086, FMCSA–2009–0121, FMCSA–2010–0082, FMCSA–2010–0161, FMCSA–2010–0187, FMCSA–2010–0201, FMCSA–2010–0327, FMCSA–2010–0372, FMCSA–2010–0385, FMCSA–2011–0010, FMCSA–2011–0057, FMCSA–2011–0092, FMCSA–2011–0102, FMCSA–2011–0141, FMCSA–2011–0142, FMCSA–2012–0040, FMCSA–2012–0279, FMCSA–2012–0280, FMCSA–2013–0021, FMCSA–2013–0025, FMCSA–2013–0027, FMCSA–2013–0029, FMCSA–2013–0030, FMCSA–2013–0165, FMCSA–2014–0010, FMCSA–2014–0300, FMCSA–2014–0304, FMCSA–2014–0305, FMCSA–2015–0048, FMCSA–2015–0049, FMCSA–2015–0052, FMCSA–2015–0053, FMCSA–2015–0350, FMCSA–2016–0028, FMCSA–2016–0033, FMCSA–2016–0210, FMCSA–2016–0213, FMCSA–2016–0214, FMCSA–2017–0016, FMCSA–2017–0018, FMCSA–2017–0019, FMCSA–2017–0022, FMCSA–2019–0006, FMCSA–2019–0008, and FMCSA–2019–0011. Their exemptions were applicable as of October 3, 2021 and will expire on October 3, 2023.

As of October 4, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (84 FR 46088, 84 FR 58437):

Calvin B. Jones (MD), Robert E. Nichols (NV), and Karol Stankiewicz (IL)

The drivers were included in docket number FMCSA–2019–0013. Their exemptions were applicable as of October 4, 2021 and will expire on October 4, 2023.

As of October 19, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (82 FR 43647, 83 FR 2289, 84 FR 47052):

Charles C. Berns (IA)
Jeremiah E. Casey (MO)
Carlos Marquez (WI)
Daniel D. Woodworth (FL)

The drivers were included in docket number FMCSA–2017–0023. Their exemptions are applicable as of October 19, 2021 and will expire on October 19, 2023.

As of October 23, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 47818, 78 FR 63307, 80 FR 59225, 82 FR 47312, 84 FR 47052):

Larry E. Blakely (GA)
Arlene S. Kent (NH)
Willie L. Murphy (IN)
Brian C. Tate (VA)

The drivers were included in docket number FMCSA–2013–0165. Their exemptions are applicable as of October 23, 2021 and will expire on October 23, 2023.

As of October 24, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 30999, 70 FR 46567, 70 FR 48797, 70 FR 61493, 72 FR 40359, 72 FR 54971, 74 FR 34074, 74 FR 49069, 76 FR 62143, 78 FR 77782, 80 FR 59225, 82 FR 47312, 84 FR 47052):

Andrew B. Clayton (TN)
William P. Doolittle (MO)
Jonathan M. Gentry (TN)
Robert W. Healey, Jr. (NJ)

The drivers were included in docket numbers FMCSA–2005–21254 and FMCSA–2005–21711. Their exemptions are applicable as of October 24, 2021 and will expire on October 24, 2023.

As of October 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Michael E. Yount (ID) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 52811, 68 FR 61860, 70 FR 61165, 74 FR 53581, 76 FR 64171, 78 FR 68137, 80 FR 59225, 82 FR 47312, 84 FR 47052).

This driver was included in docket number FMCSA–2003–15892. The exemption is applicable as of October 30, 2021 and will expire on October 30, 2023.

As of October 31, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Gerald D. Stidham (CO) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 55465, 76 FR 67246, 78 FR 77782, 80 FR 59225, 82 FR 47312, 84 FR 47052).

This driver was included in docket number FMCSA–2011–0189. The exemption is applicable as of October 31, 2021 and will expire on October 31, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The

exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–23294 Filed 10–25–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of calendar year 2022 random drug and alcohol testing rates.

SUMMARY: This notice announces the calendar year 2022 drug and alcohol random testing rates for transit agency employers. The minimum random drug testing rate will remain at 50 percent, and the random alcohol testing rate will remain at 10 percent.

DATES: *Applicable Date:* January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Iyon Rosario, Drug and Alcohol Program Manager in the Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202–366–2010 or email: *Iyon.Rosario@dot.gov*).

SUPPLEMENTARY INFORMATION: On January 1, 1995, FTA required large transit employers to begin drug and alcohol testing of employees performing safety-sensitive functions, and to submit annual reports by March 15 of each year beginning in 1996, pursuant to drug and alcohol regulations adopted by FTA at 49 CFR parts 653 and 654 in February 1994. The annual report includes the number of employees who had a verified positive test for the use of prohibited drugs, and the number of employees who tested positive for the misuse of alcohol during the reported year. Small employers commenced the required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997.

FTA updated the testing rules by merging them into a new 49 CFR part 655, effective August 1, 2001 (66 FR 42002). The regulation maintains a random testing rate for prohibited drugs at 50 percent and the misuse of alcohol at 10 percent, which the Administrator may lower if the violation rates drop below 1.0 percent for drug testing and 0.5 percent for alcohol testing for two consecutive years. Accordingly, in 2007, FTA reduced the random drug testing rate from 50 percent to 25 percent (72 FR 1057, January 7, 2007). In 2018, however, FTA returned the random drug testing rate to 50 percent for calendar year 2019 based on verified industry data for calendar year 2017, which showed that the rate had exceeded 1 percent (83 FR 63812, December 12, 2018).

Pursuant to 49 CFR 655.45, the Administrator's decision to increase or decrease the minimum annual percentage rate for random drug and alcohol testing is based, in part, on the reported positive drug and alcohol violation rates for the entire public transportation industry. The information used for this determination is drawn from the drug and alcohol Management Information System (MIS) reports required by 49 CFR 655.72. To ensure the reliability of the data, the Administrator must consider the quality and completeness of the reported data, may obtain additional information or reports from employers, and may make appropriate modifications in calculating the industry's verified positive results and violation rates.

For calendar year 2022, the Administrator has determined that the random drug testing rate for covered employees will remain at 50 percent based on a verified positive rate of 1.08 percent for calendar year 2020. Further, the Administrator has determined that the random alcohol testing rate for calendar year 2022 will remain at 10 percent, because the violation rate again was lower than 0.5 percent for calendar years 2019 and 2020. The random alcohol violation rates were 0.16 percent for 2019 and 0.17 for 2020.

Detailed reports on FTA's drug and alcohol testing data collected from transit employers may be obtained from FTA, Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–2010, or at: *https://transit-safety.fta.dot.gov/DrugAndAlcohol/Publications/Default.aspx.*

Nuria I. Fernandez,

Administrator.

[FR Doc. 2021–23228 Filed 10–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1116, Schedule B, and Schedule C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). The IRS is soliciting comments concerning the Foreign Tax Credit used by individuals, estate, or trusts.

DATES: Written comments should be received on or before December 27, 2021 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Paul Adams, at (737)–800–6149, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *paul.d.adams@irs.gov.*

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Foreign Tax Credit (Individual, Estate, or Trust).

OMB Number: 1545–0121.

Form Number: 1116, Schedules B and Schedule C.

Abstract: Form 1116, Schedules B and Schedule C are used by individuals (including nonresident aliens), estates, or trusts who paid foreign income taxes on U.S. taxable income, to compute the foreign tax credit. This information is used by the IRS to determine if the foreign tax credit is properly computed.

Current Actions: Two new schedules are being added to this approval package. These new items will have an impact on the overall burden and cost estimates requested for this approval package, and are reflected below.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 4,183,255.

Estimated Time per Respondent: 7.20 hours.

Estimated Total Annual Burden Hours: 30,119,436.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will 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.

Approved: October 20, 2021.

Paul Adams,

Senior Tax Analyst.

[FR Doc. 2021–23275 Filed 10–25–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Office of Civil Rights and Diversity, Department of the Treasury.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department'') proposes to modify the current Treasury system of records titled, ''Department of the Treasury, SORN .016—Reasonable Accommodations Records System of Records.'' The purpose of this system is to allow Treasury and its bureaus to collect and maintain records on: Applicants for employment who have disabilities; individuals with disabilities to facilitate their participation in a Treasury program or activity, including attendance at a meeting, training, conference or other Treasury-sponsored event at either a Treasury facility or outside Treasury employees who seek accommodations to allow them to perform the essential functions of their job; employees with disabilities who request or receive reasonable accommodation as required by the Department as the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended by the Americans with Disabilities Amendment Act of 2008 (ADAAA); individuals who receive accommodations under the Family Medical Leave Act, and individuals who request or receive accommodations under Title VII of the Civil Rights Act of 1964. Another purpose of this system is to track and report the processing of Treasury-wide requests for reasonable accommodation while ensuring compliance with applicable laws and regulations, including confidentiality requirements protecting information individuals submit in support of accommodation requests.

DATES: Submit comments on or before November 26, 2021. The new and/or significantly modified routine uses will be applicable on November 26, 2021.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Treasury to make the comments available to the public. Please note that public comments are submitted through *https://www.regulations.gov,* a public website. All comments will be public and capable of viewing by other members of the public. Due to COVID–19-related restrictions, Treasury has temporarily suspended the public's ability to provide comments by mail. In general, Treasury will post all comments to *https://www.regulations.gov* without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. All comments received, including attachments and other supporting material, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Snider Page, (202) 622–1160, Office of Civil Rights and Diversity, Departmental Offices, 1500 Pennsylvania Avenue NW, Washington, DC 20220. For privacy issues, please contact: The Department of the Treasury, Office of Privacy and Civil Liberties via email at *privacy@treasury.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury (''Treasury''), Office of Civil Rights and Diversity proposes to modify the current Treasury system of records titled, ''Department of the Treasury SORN .016—Reasonable Accommodations Records System of Records.''

The proposed modification to the system of records makes the following substantive changes:

1. Treasury .016—Reasonable Accommodations Records System of Records is being modified to add new authority to collect and maintain information required to process accommodation requests provided under Title VII of the Civil Rights Act of 1964, as amended, which protects employees and job applicants from employment discrimination based on race, color, religion, sex, and national origin.

2. Treasury .016—Reasonable Accommodations Records System of Records is being modified to add Executive Orders 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors (September 09, 2021) and 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees (September 09, 2021).

3. Treasury .016—Reasonable Accommodations Records System of Records is being modified to make the existing routine use language consistent with Office of Management Budget's (OMB) requirements and Treasury's standard routine uses and to delete the existing routine uses B, E, and H to avoid redundancy (after inclusion of the new routine uses.

The effect of this updated system on individual's privacy is the risk of unauthorized access. This risk is mitigated with access restrictions, strict application of need to know, privacy and security notices consistent with the Privacy Act *5 U.S.C. 552a(b)(1),* and a confidentiality warning consistent with the *Americans with Disabilities Act of*

1990, Public Law 101–336, 104 Stat. 328 (1990), as amended by the ADAA.

This risk is also mitigated by Treasury policies, rules and regulations, and other federal laws applicable to accessing, collecting, maintaining, and disclosing information from this system. The Department of the Treasury monitors, records, and audits system usage and access. Unauthorized or improper access and/or use of the records maintained in the system is prohibited and may result in civil and criminal penalties pursuant to *5 U.S.C. 552a(i)(1), (2), and (3).* When information from this system is disclosed, the individual disclosing the information is required to inform the recipients regarding the confidentiality requirements with which the recipient must comply after disclosure.

Treasury will include this modified system in its inventory of record systems.

Below is the description of Treasury.016—Reasonable Accommodations Records System of Records.

Treasury provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Dated: October 4, 2021.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Reasonable Accommodations Records—Treasury .016.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220. The records are located in personnel, Equal Employment Opportunity (EEO), or designated offices in the bureaus or offices in which the reasonable accommodations were filed. The locations at which the system is maintained are:

(1) *Departmental Offices:* 1500 Pennsylvania Ave. NW, Washington, DC 20220;

(2) *Alcohol and Tobacco Tax and Trade Bureau:* 1310 G St. NW, Washington, DC 20220.

(3) *Office of the Comptroller of the Currency:* Constitution Center, 400 Seventh St. SW, Washington, DC 20024;

(4) *Fiscal Service:* Liberty Center Building, 401 14th St. SW, Washington, DC 20227;

(5) *Internal Revenue Service:* 1111 Constitution Ave. NW, Washington, DC 20224;

(6) *United States Mint:* 801 Ninth St. NW, Washington, DC 20220;

(7) *Bureau of Engraving and Printing:* Eastern Currency Facility, 14th and C Streets SW, Washington, DC 20228 and Western Currency Facility, 9000 Blue Mound Rd., Fort Worth, TX 76131;

(8) *Financial Crimes Enforcement Network:* P.O. Box 39, Vienna, VA 22183–0039;

(9) *Special Inspector General for the Troubled Asset Relief Program (SIGTARP):* 1801 L St. NW, Washington, DC 20220;

(10) *Office of Inspector General:* 740 15th St. NW, Washington, DC 20220; and

(11) *Office of the Treasury Inspector General for Tax Administration:* 1125 15th St. NW, Suite 700A, Washington, DC 20005.

SYSTEM MANAGER(S):

EEO Program Manager (202–622–1160), Office of Civil Rights and Diversity, Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Rehabilitation Act of 1973, §§ 501 and 504, Public Law 93–112, as amended; the Americans with Disabilities Act of 1990, Public Law 101–336 (1990), as amended by the ADA Amendments Act of 2008 (ADAA), Public Law 110–325 (2009); Title VII of the Civil Rights Act of 1964, Public Law 88–352, as amended; and the Family and Medical Leave Act of 1993, Public Law 103–3 (1993), as amended; Executive Order 13164 (July 28, 2000); and Executive Order 13548 (July 26, 2010); Executive Order 14042 (September 09, 2021); and Executive Order 14043 (September 09, 2021).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to allow Treasury, its bureaus and offices to collect and maintain records on individuals who seek or receive accommodations to facilitate their participation in a Treasury program or activity, their attendance at a meeting, training, conference or event at a Treasury facility or sponsored by Treasury, and employees and applicants for employment who request or receive reasonable accommodation by the Department under the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended by the ADAAA, and Title VII of the Civil Rights Act of 1964, as amended. Additionally, this system allows Treasury to collect records related to leave requests under the Family and Medical Leave Act of 1993, including accommodation requests and information. Another purpose of this system is to track and report the processing of requests for reasonable accommodation Treasury-wide to comply with applicable laws and regulations and to preserve and maintain the confidentiality of the information provided in support of the accommodation request.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include applicants for employment and employees who request or receive reasonable accommodations under: The Rehabilitation Act of 1973, Public Law 93–112, as amended, the Americans with Disabilities Act of 1990, Public Law 101–336 (1990), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAA); Title VII of the Civil Rights Act of 1964, Public Law 88–352, as amended; and employees who request leave under the Family and Medical Leave Act of 1993 (FMLA), Public Law 103–3 (1993), as amended. This also includes participants in Treasury programs and activities, visitors at Treasury facilities (and Treasury-sponsored events at other facilities), and authorized individuals or representatives (*e.g.,* family member or attorney) who request a reasonable accommodation on behalf of an applicant for employment or employee. It also includes current employees who request or receive and former employees who requested or received a reasonable accommodation or leave (under FMLA) during their employment with Treasury.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Requestor's status (applicant or anybody who identifies or recognizes the need for an accommodation at a Treasury facility);
- First, middle, and last name of the person who requires the accommodation;
- Address, phone number, and email address of the person who requires the accommodation;
- Date of request;
- Meeting or other event for which the request was made (room number, date and time of the meeting/event);
- Program or activity for which the request was made;

• Job (occupational series, grade level, and bureau or office) for which reasonable accommodation was requested; and

• Information concerning the nature of the disability and/or the need for accommodation, including appropriate medical or other documentation when the disability and/or need for accommodation is not obvious or the accommodation cannot be easily provided with little effort or expense.

Information concerning the nature of the disability and/or need for accommodation includes:

• Medical documentation provided by the requester or at the requestor's direction or request (*e.g.,* by a representative or the individual's healthcare provider) as required to substantiate an individual's disability or need to care themself or a family member (medical documentation supporting the reasonable accommodation request must be kept in a confidential file separate and apart from the requestor's Official Personnel Folder, Employee Performance File, or drop file);

• Information related to employees and their family members, including, but not limited to, first, middle, and last name, relationship to the employee, as required to substantiate need to care for a new child, recover from a serious illness, or care for a seriously ill family member.

• Type(s) of accommodation(s) requested or received;

• Request approvals and denials notice of procedures for informal dispute resolution or appeal processes, forms, correspondence, records of oral conversations, policy guidance documents, and supporting notes and documentation.

• Expense(s) information associated with the requested accommodation;

• Information about a requestor's religious beliefs, voluntarily provided by the requestor in support of a request for accommodation or exemption from a requirement or penalty;

• Whether the request came from someone planning to visit a Treasury facility;

• Whether an accommodation requested or provided occurred pre-employment, during current or former employment or for a particular event;

• How the requested accommodation would assist in job performance, participation in a Treasury program or activity, or attendance at a Treasury-sponsored meeting or event;

• The amount of time taken to process the request;

• Whether the request was granted or denied and reason; and

• The sources of technical assistance consulted in trying to identify a possible reasonable accommodation.

RECORD SOURCE CATEGORIES:

Information is obtained from applicants for employment with disabilities as well as employees with disabilities, employees seeking leave under FMLA, participants in Treasury programs and activities, visitors at Treasury facilities, and authorized individuals or representatives (*e.g.,* family member or attorney) who requested or received reasonable accommodations from Treasury, its bureaus or offices as required by the Rehabilitation Act of 1973, the ADAAA, and Title VII of the Civil Rights Act, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the United States Department of Justice (''DOJ''), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where DOJ or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation provided that the disclosure is compatible with the purpose for which records were collected.

(2) To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations;

(3) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) To the National Archives and Records Administration Archivist (or the Archivist's designee) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and person when (1) the Department of the Treasury and/or Office of Civil Rights and Diversity suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or Office of Civil Rights and Diversity has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or Office of Civil Rights and Diversity (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or Office of Civil Rights and Diversity efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury and/or the Office of Civil Rights and Diversity determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To medical personnel to meet a bona fide medical emergency;

(8) To an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee;

(9) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in information discovery proceedings; and

(10) To contractors, grantees, experts, consultants, students, interns, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are on paper and/or in digital or other electronic form. Digital and other electronic images are stored on a storage area network in a secured environment. Records, whether paper or electronic, may be stored in a separate, secure location at the Treasury Headquarters or at the bureau or office level.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name of the requester, employing bureau or office, or any unique identifying number assigned to the request if applicable.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA General Records Schedule (GRS) 2.3 (Employee Relations Records) item 20 (Reasonable accommodation case files), this schedule includes all individual employee files created, received, and maintained by Treasury's Equal Employment Opportunity (EEO) reasonable accommodation, diversity/disability programs, employee relations coordinators, supervisors, administrators, or Human Resource specialists containing records of requests for reasonable accommodation and/or assistive technology devices and services that have been requested for or by an employee. This includes: Requests, approvals and denials, notice of procedures for informal dispute resolution or appeal processes, forms, correspondence, records of oral conversations, policy guidance documents, medical records, supporting notes and documentation.

Disposition Authority: DAA–GRS2018–0002–0002.

Disposition Instruction: Temporary. Destroy three (3) years after employee separation from the agency or all appeals are concluded whichever is later, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable Treasury automated systems security and access policies. Strict controls have been imposed to minimize the risk of information compromise. Access to the computer system(s) containing the records in this system are limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

All medical information, including information about functional limitations and reasonable accommodation needs obtained in connection with a request for reasonable accommodation or FMLA leave must be kept confidential and shall be maintained in secure files separate from the Official Personnel Folder, Employee Performance File, or drop file. Additionally, employees who obtain or receive such information are strictly bound by these confidentiality requirements. Whenever medical information is disclosed, the individual disclosing the information must inform the information recipients regarding the confidentiality requirements that the recipient must continue to apply to the information after it is received.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing in accordance with Treasury's Privacy Act regulations (located at 31 CFR 1.26) to the Freedom of Information Act (FOIA) and Transparency Liaison, whose contact information can be found at *http://www.treasury.gov/FOIA/Pages/index.aspx* under ''FOIA Requester Service Centers and FOIA Liaison.'' If an individual believes more than one bureau maintains Privacy Act records concerning him or her, the individual may submit the request to the Office of Privacy, Transparency, and Records, FOIA and Transparency, Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington, DC 20220. The request must be signed, and must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may submit your request online at *https://rdgw.treasury.gov/foia/pages/gofoia.aspx* or call for 1–202–622–0930 for questions. The requester must submit a written and signed request that:

- States that the request is made pursuant to the FOIA and/or Privacy Act disclosure regulations;
- Includes information that will enable the processing office to determine the fee category of the user;
- Is addressed to the bureau that maintains the record (in order for a request to be properly received by the Department, the request must be received in the appropriate bureau's disclosure office);
- Reasonably describe the records;
- Gives the address where the determination letter is to be sent;
- States whether or not the requester wishes to inspect the records or have a copy made without first inspecting them; and
- Include a firm agreement from the requester to pay fees for search, duplication or review, as appropriate. In the absence of a firm agreement to pay, the requester may submit a request for a waiver or reduction of fees, along with justification of how such a waiver request meets the criteria for a waiver or reduction of fees found in the FOIA statute at 5 U.S.C. 552(a)(4)(A)(iii).

This bulleted information will assist the FOIA and Transparency staff in conducting an effective search for your records.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on November 7, 2016 as Treasury .016—Reasonable Accommodations Records—81 FR 78266.

[FR Doc. 2021–23252 Filed 10–25–21; 8:45 am]

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FEDERAL REGISTER

Vol. 86 Tuesday,
No. 204 October 26, 2021

Part II

The President

Notice of October 25, 2021—Continuation of the National Emergency With Respect to the Democratic Republic of the Congo

Federal Register
Vol. 86, No. 204
Tuesday, October 26, 2021

Presidential Documents

Title 3—

The President

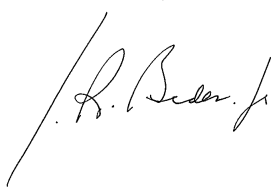
Notice of October 25, 2021

Continuation of the National Emergency With Respect to the Democratic Republic of the Congo

On October 27, 2006, by Executive Order 13413, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability. The President took additional steps to address this national emergency in Executive Order 13671 of July 8, 2014.

The situation in or in relation to the Democratic Republic of the Congo continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13413 of October 27, 2006, as amended by Executive Order 13671 of July 8, 2014, must continue in effect beyond October 27, 2021. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo declared in Executive Order 13413, as amended by Executive Order 13671.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
October 25, 2021.

[FR Doc. 2021–23463
Filed 10–25–21; 11:15 am]
Billing code 3395–F2–P

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