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

# Rules and Regulations

Federal Register
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## BUREAU OF CONSUMER FINANCIAL PROTECTION

### 12 CFR Part 1022

### Fair Credit Reporting Act Disclosures

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Final rule; official interpretation.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule amending an appendix for Regulation V, which implements the Fair Credit Reporting Act (FCRA). The Bureau is required to calculate annually the dollar amount of the maximum allowable charge for disclosures by a consumer reporting agency to a consumer pursuant to the FCRA; this final rule establishes the maximum allowable charge for the 2022 calendar year.

**DATES:** This final rule is effective January 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Lanique Eubanks, Senior Counsel; Office of Regulations, at (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

**SUPPLEMENTARY INFORMATION:** The Bureau is amending appendix O for Regulation V, which implements the FCRA, to establish the maximum allowable charge for disclosures by a consumer reporting agency to a consumer for 2022. The maximum allowable charge will be $13.50 for 2022.

## I. Background

Under section 609 of the FCRA, a consumer reporting agency must, upon a consumer's request, disclose to the consumer information in the consumer's file.[1] Section 612(a) of the FCRA gives consumers the right to a free file disclosure upon request once every 12 months from the nationwide consumer reporting agencies and nationwide specialty consumer reporting agencies.[2] Section 612 of the FCRA also gives consumers the right to a free file disclosure under certain other, specified circumstances.[3] Where the consumer is not entitled to a free file disclosure, section 612(f)(1)(A) of the FCRA provides that a consumer reporting agency may impose a reasonable charge on a consumer for making a file disclosure. Section 612(f)(1)(A) of the FCRA provides that the charge for such a disclosure shall not exceed $8.00 and shall be indicated to the consumer before making the file disclosure.[4]

Section 612(f)(2) of the FCRA also states that the $8.00 maximum amount shall increase on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.[5] Such increases are based on the Consumer Price Index for All Urban Consumers (CPI–U), which is the most general Consumer Price Index and covers all urban consumers and all items.

## II. Adjustment

For 2022, the ceiling on allowable charges under section 612(f) of the FCRA will be $13.50, an increase of fifty cents from 2021. The Bureau is using the $8.00 amount set forth in section 612(f)(1)(A)(i) of the FCRA as the baseline for its calculation of the increase in the ceiling on reasonable charges for certain disclosures made under section 609 of the FCRA. Since the effective date of section 612(a) was September 30, 1997, the Bureau calculated the proportional increase in the CPI–U from September 1997 to September 2021. The Bureau then determined what modification, if any, from the original base of $8.00 should be made effective for 2022, given the requirement that fractional changes be rounded to the nearest fifty cents.

Between September 1997 and September 2021, the CPI–U increased by 70.168 percent from an index value of 161.2 in September 1997 to a value of 274.31 in September 2021. An increase of 70.168 percent in the $8.00 base figure would lead to a figure of $13.61. However, because the statute directs that the resulting figure be rounded to the nearest $0.50, the maximum allowable charge is $13.50. The Bureau therefore determines that the maximum allowable charge for the year 2022 will increase to $13.50.

## III. Procedural Requirements

### *A. Administrative Procedure Act*

Under the Administrative Procedure Act (APA), notice and opportunity for public comment are not required if the Bureau finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[6] Pursuant to this final rule, in Regulation V, appendix O is amended to update the maximum allowable charge for 2022 under section 612(f). The amendments in this final rule are technical and non-discretionary, as they merely apply the method previously established in Regulation V for determining adjustments to the thresholds. For these reasons, the Bureau has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. The amendments therefore are adopted in final form.

Section 553(d) of the APA generally requires publication of a final rule not less than 30 days before its effective date, except (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule. 5 U.S.C. 553(d). At a minimum, the Bureau believes the amendments made by this rule fall under the third exception to section 553(d). The Bureau finds that there is good cause to make this rule effective on January 1, 2022. The amendments made by this rule are technical and non-discretionary, and apply the method previously established in the Bureau's regulations for automatic adjustments to the threshold.

[1] 15 U.S.C. 1681g.

[2] 15 U.S.C. 1681j(a).

[3] 15 U.S.C. 1681j(b)–(d). The maximum allowable charge announced by the Bureau does not apply to requests made under section 612(a)–(d) of the FCRA. The charge does apply when a consumer who orders a file disclosure has already received a free annual file disclosure and does not otherwise qualify for an additional free file disclosure.

[4] 15 U.S.C. 1681j(f)(1)(A).

[5] 15 U.S.C. 1681j(f)(2).

[6] 5 U.S.C. 553(b)(B).

*B. Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[7]

*C. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995,[8] the Bureau reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

*D. Congressional Review Act*

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Bureau will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs (OIRA) has designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

**IV. Signing Authority**

The Associate Director of Research, Markets, and Regulations, Janis K. Pappalardo, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

**List of Subjects in 12 CFR Part 1022**

Banks, Banking, Consumer protection, Credit unions, Holding companies, National banks, Privacy, Reporting and recordkeeping requirements, Savings associations.

**Authority and Issuance**

For the reasons set forth in the preamble, the Bureau amends Regulation V, 12 CFR part 1022, as set forth below:

## PART 1022—FAIR CREDIT REPORTING (REGULATION V)

■ 1. The authority citation for part 1022 continues to read as follows:

**Authority:** 12 U.S.C. 5512, 5581; 15 U.S.C. 1681A, 1681B, 1681C, 1681C–1, 1681E, 1681G, 1681I, 1681J, 1681M, 1681S, 1681S–2, 1681S–3, AND 1681T; SEC. 214, PUB. L. 108–159, 117 STAT. 1952.

■ 2. Appendix O is revised to read as follows:

**Appendix O to Part 1022—Reasonable Charges for Certain Disclosures**

Section 612(f) of the FCRA, 15 U.S.C. 1681j(f), directs the Bureau to increase the maximum allowable charge a consumer reporting agency may impose for making a disclosure to the consumer pursuant to section 609 of the FCRA, 15 U.S.C. 1681g, on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents. The Bureau will publish notice of the maximum allowable charge each year by amending this appendix. For calendar year 2022, the maximum allowable charge is $13.50. For historical purposes:

1. For calendar year 2012, the maximum allowable disclosure charge was $11.50.
2. For calendar year 2013, the maximum allowable disclosure charge was $11.50.
3. For calendar year 2014, the maximum allowable disclosure charge was $11.50.
4. For calendar year 2015, the maximum allowable disclosure charge was $12.00.
5. For calendar year 2016, the maximum allowable disclosure charge was $12.00.
6. For calendar year 2017, the maximum allowable disclosure charge was $12.00.
7. For calendar year 2018, the maximum allowable disclosure charge was $12.00.
8. For calendar year 2019, the maximum allowable disclosure charge was $12.50.
9. For calendar year 2020, the maximum allowable disclosure charge was $12.50.
10. For calendar year 2021, the maximum allowable disclosure charge was $13.00.
11. For calendar year 2022, the maximum allowable disclosure charge is $13.50.

**Laura Galban,**

*Federal Register Liaison, Bureau of Consumer Financial Protection.*

[FR Doc. 2021–25938 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2021–0807; Airspace Docket No. 21–AWA–2]**

**RIN 2120–AA66**

## Amendment of Class C Airspace; Columbus, OH

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Columbus, Port Columbus International Airport, OH, Class C airspace description to update the airport name and airport reference point (ARP) information to match the FAA's aeronautical database. Additionally, minor administrative edits to the legal description title and header information are made for readability. This action does not change the boundaries, altitudes, or operating requirements of the Class C airspace area.

**DATES:** Effective date 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 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:** Colby Abbott, Rules and Regulations Group, Policy Directorate, 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 updates the airport name and ARP geographic coordinates contained in the Columbus, Port Columbus International Airport, OH, Class C airspace description.

**History**

Class C airspace areas are designed to improve air safety by reducing the risk of midair collisions in high volume airport terminal areas and to enhance the management of air traffic operations in that area. During a recent review of the Columbus, Port Columbus International Airport, OH, Class C

[7] 5 U.S.C. 603(a), 604(a).

[8] 44 U.S.C. 3506; 5 CFR part 1320.

airspace description, the FAA identified that the airport's name and associated ARP geographic coordinates were incorrect. This action updates the airport name and ARP geographic coordinates to coincide with the FAA's aeronautical database information. There are no changes to the boundaries, altitudes, or air traffic control services resulting from this action.

Class C airspace areas are published in paragraph 4000 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 C airspace listed in this document will be published subsequently in the FAA Order JO 7400.11F.

**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 action amends 14 CFR part 71 by amending the Columbus, Port Columbus International Airport, OH, Class C airspace description to update the airport name and associated ARP geographic coordinates contained in the description. The airport name ''Port Columbus International Airport'' is changed to ''John Glenn Columbus International Airport'' and the associated ARP geographic coordinates for the airport are changed from ''lat. 39°59′46″ N, long. 82°53′17″ W'' to ''lat. 39°59′49″ N, long. 082°53′32″ W''. These changes to the airport name and associated ARP geographic coordinates reflect the current information in the FAA's aeronautical database. Additionally, minor administrative edits to the legal description title and header information were made for readability and to comply with airspace legal description policy guidance.

This is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

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. 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 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 of making administrative edits to the Columbus, OH, Class C airspace description qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321*et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**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 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 4000 Class C Airspace.*

* * * * *

**AGL OH C Columbus, OH [Amended]**

John Glenn Columbus International Airport, OH
(Lat. 39°59′49″ N, long. 082°53′32″ W)

That airspace extending upward from the surface to and including 4,800 feet MSL within a 5-mile radius of the John Glenn Columbus International Airport and that airspace extending upward from 2,500 feet MSL to 4,800 feet MSL within a 10-mile radius of the John Glenn Columbus International Airport.

* * * * *

Issued in Washington, DC, on November 22, 2021.

**Michael R. Beckles,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2021–25902 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket Number USCG–2021–0870]**

**RIN 1625–AA00**

## Safety Zone; Patapsco River, Baltimore, MD

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

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of the Patapsco River. This action is necessary to provide for the safety of life on these navigable waters near the Francis Scott Key (I–695) Bridge, Baltimore, MD, while work crews install power transmission lines crossing over the Patapsco River on

December 3, 2021, and on December 4, 2021 (alternate dates December 6, 2021, and on December 7, 2021). This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port, Maryland-National Capital Region or a designated representative.

**DATES:** This rule is effective from 9 a.m. on December 3, 2021, to 3:30 p.m. on December 7, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0870 in the ''SEARCH'' box and click ''SEARCH.'' Next, in the Document Type column, select ''Supporting & Related Material.''

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

**SUPPLEMENTARY INFORMATION:**

## I. Table of Abbreviations

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

## II. Background Information and Regulatory History

On November 17, 2021, Baltimore Gas and Electric Company (BGE) notified the Coast Guard that it will be conducting activities associated with the installation of new overhead power transmission lines crossing over the Patapsco River from the vicinity of the Hawkins Point terminal Station on the west side of the Patapsco River to a location just north of Sollers Point Terminal Station on the east side of the Patapsco River, from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 3, 2021, and during the same times on December 4, 2021. If necessary due to inclement weather or other reason on December 3, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 6, 2021. If necessary due to inclement weather or other reason on December 4, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 7, 2021. This installation process requires the temporary closure of the navigation channel near the Francis Scott Key (I–695) Bridge and the temporary closure of other portions of the Patapsco River nearby.

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 and contrary to public interest to delay the effective date of this rule. Immediate action is needed to respond to the potential safety hazards associated with the installation of new overhead power transmission lines crossing over the Patapsco River within the navigation channel near the Francis Scott Key (I–695) Bridge and other portions of the Patapsco River nearby. The Coast Guard was unable to publish a NPRM due to the short time period between project planners notifying the Coast Guard of the work and publication of this safety zone. It is impracticable and contrary to the public interest to publish an NPRM because we must establish this safety zone by December 3, 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 the public interest because immediate action is needed to respond to the potential safety hazards associated with the installation of power transmission lines over the Patapsco River adjacent to Francis Scott Key (I–695) Bridge conducted within the federal navigation channel and other portions of the river nearby. Such hazards include low-hanging or falling ropes and cables, helicopter rotor downwash and noise, dangerous projectiles, and or other debris.

## 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 COTP Maryland-National Capital Region has determined that potential hazards associated with the overhead power transmission line installation work will be a safety concern for anyone transiting the Patapsco River. This rule is needed to ensure the safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled work.

## IV. Discussion of the Rule

This rule establishes a safety zone from 9 a.m. on December 3, 2021, to 3:30 p.m. on December 7, 2021. The safety zone will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 3, 2021, and during the same times on December 4, 2021. If necessary due to inclement weather or other reason on December 3, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 6, 2021. If necessary due to inclement weather or other reason on December 4, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 7, 2021. The safety zone will cover all navigable waters of the Patapsco River, encompassed by a line connecting the following points beginning at the shoreline at Thoms Cove at position latitude 39°12′36″ N, longitude 076°32′50″ W, thence east and south along the shoreline to Hawkins Point at latitude 39°12′40″ N, longitude 076°31′58″ W, thence northeast across the Patapsco River to Coffin Point at latitude 39°13′55″ N, longitude 076°30′18″ W, thence west and north along the shoreline to Sollers Point at latitude 39°14′01″ N, longitude 076°30′59″ W, thence west across the Patapsco River to and terminating at the point of origin, located at Baltimore, MD.

The duration of the rule and enforcement of the zone is intended to ensure the safety of vessels and these navigable waters while the activities associated with the installation of new overhead power transmission lines crossing over the Patapsco River are being conducted. The COTP will notify the public that the safety zone will be enforced by all appropriate means to the affected segments of the public, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners. Vessels or persons violating this rule are subject to the penalties set forth in 46 U.S.C. 70036 (previously codified in 33 U.S.C. 1232) and 46 U.S.C. 70052 (previously codified in 50 U.S.C. 192).

Except for craft and equipment operated by BGE, or its subcontractors, no vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

## V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses

based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

*A. Regulatory Planning and Review*

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

This regulatory action determination is based on the size, duration, day-of-week, and time of year of the safety zone. Vessels or persons will not be allowed to enter or transit a portion of the Patapsco River for a total 10 enforcement-hours. Due to the nature of the work and the hazards it presents to the workers and the public, the COTP has identified the need to close the Patapsco River in the vicinity of the overhead power line crossing while this work is ongoing. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

*B. Impact on Small Entities*

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

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

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

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

*C. Collection of Information*

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

*D. Federalism and Indian Tribal Governments*

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

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

*E. Unfunded Mandates Reform Act*

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

*F. Environment*

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 10 total enforcement hours that will prohibit entry within certain navigable waters of the Patapsco River. It is categorically excluded from further review under paragraph L60(c) 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.T05–0870 to read as follows:

**§ 165.T05–0870 Safety Zone; Patapsco River, Baltimore, MD.**

(a) *Location.* The following area is a safety zone: All navigable waters of the Patapsco River, encompassed by a line connecting the following points beginning at the shoreline at Thoms Cove at position latitude 39°12′36″ N, longitude 076°32′50″ W, thence east and south along the shoreline to Hawkins Point at latitude 39°12′40″ N, longitude 076°31′58″ W, thence northeast across the Patapsco River to Coffin Point at

latitude 39°13′55″ N, longitude 076°30′18″ W, thence west and north along the shoreline to Sollers Point at latitude 39°14′01″ N, longitude 076°30′59″ W, thence west across the Patapsco River to and terminating at the point of origin, located at Baltimore, MD. These coordinates are based on datum NAD 83.

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

*Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

*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 Maryland-National Capital Region (COTP) in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

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

(e) *Enforcement periods.* This section will be enforced:

(1) From 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 3, 2021. If necessary due to inclement weather or other reason on December 3, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 6, 2021.

(2) From 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 4, 2021. If necessary due to inclement weather or other reason on December 4, 2021, it will be enforced from 9 a.m. to 11:30 a.m. and from 1 p.m. to 3:30 p.m. on December 7, 2021.

Dated: November 23, 2021.

**David E. O'Connell,**

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

[FR Doc. 2021–25958 Filed 11–26–21; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 4

**RIN 2900–AQ67**

## Schedule for Rating Disabilities: The Cardiovascular System; Correction

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Correcting amendments.

**SUMMARY:** On September 30, 2021, the Department of Veterans Affairs (VA) published in the **Federal Register** a final rule that amended the portion of the VA Schedule for Rating Disabilities (''VASRD'' or ''rating schedule'') that addresses the cardiovascular system. This correction addresses the application of the general rating formula for diseases of the heart in the published final rule.

**DATES:** This correction is effective November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Gary Reynolds, M.D., VASRD Program Management Office (210), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** VA is correcting its regulations, which published under ''Schedule for Rating Disabilities: The Cardiovascular System'' (RIN 2900–AQ67), on September 30, 2021, in the **Federal Register** at 86 FR 54089. The error is with § 4.100 Application of the general rating formula for diseases of the heart. VA removed left ventricular ejection fraction (LVEF) from the general rating formula for diseases of the heart but failed to remove every reference to LVEF in its evaluation criteria. Paragraph (c) of § 4.100 of title 38 Code of Federal Regulations (CFR) provides instructions for addressing situations where LVEF is not of record. These instructions are no longer relevant considering the removal of LVEF from consideration in evaluating heart diseases. VA is correcting that error by removing paragraph (c).

### List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

For the reasons set out in the preamble, 38 CFR part 4 is corrected by making the following correcting amendment:

## PART 4—SCHEDULE FOR RATING DISABILITIES

■ 1. The authority citation for part 4 continues to read as follows:

**Authority:** 38 U.S.C. 1155, unless otherwise noted.

**§ 4.100 [Amended]**

■ 2. Amend § 4.100 by removing paragraph (c).

**Jeffrey M. Martin,**

*Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

[FR Doc. 2021–25931 Filed 11–26–21; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF HOMELAND SECURITY

## Federal Emergency Management Agency

### 44 CFR Part 62

**[Docket ID FEMA–2021–0030]**

**RIN 1660–AB13**

## National Flood Insurance Program: Removal of Best's Financial Size Category From Write-Your-Own Participation Criteria

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security (DHS).

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is revising its regulations to remove a requirement that a private insurance company applying to participate in the Write-Your-Own program furnish its Best's Financial Size Category for the purpose of setting marketing goals.

**DATES:** This rule is effective November 29, 2021.

**ADDRESSES:** The docket for this rulemaking is available for inspection using the Federal eRulemaking Portal at *https://www.regulations.gov* and can be viewed by following that website's instructions.

**FOR FURTHER INFORMATION CONTACT:** Sarah Ice, Federal Insurance and Mitigation Administration, FEMA, 400 C St. SW, Washington, DC 20472, (202) 320–5577, *sarah.devaney-ice@fema.dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background and Discussion of the Rule

The National Flood Insurance Act of 1968 (NFIA), as amended (42 U.S.C.

4001 *et seq.*), authorizes the Administrator of the Federal Emergency Management Agency (FEMA) to establish and carry out the National Flood Insurance Program (NFIP) to enable interested persons to purchase insurance against loss resulting from physical damage to, or loss of, real or personal property arising from flood in the United States. *See* 42 U.S.C. 4011(a). Congress intended the NFIP to be ''a program of flood insurance with large-scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry.'' *See* 42 U.S.C. 4001(b). Under the NFIA, FEMA may carry out the NFIP through the facilities of the Federal Government, using for the purposes of providing flood insurance coverage, insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States. *See* 42 U.S.C. 4071.

Pursuant to this authority, FEMA works closely with the insurance industry to facilitate the sale and servicing of flood insurance policies. A person can purchase an NFIP flood insurance policy, also known as the Standard Flood Insurance Policy (SFIP), either: (1) Directly from the Federal Government through a direct servicing agent, or (2) from a private insurance company (referred to as a Write Your Own (WYO) company) through the WYO Program. The SFIP sets out the terms and conditions of insurance. FEMA establishes terms of insurance and rates, which are the same whether purchased directly from the NFIP or through the WYO Program.

FEMA enters into a standard Financial Assistance/Subsidy Arrangement (Arrangement) with the WYO companies, which addresses the terms and conditions for administering the NFIP policies, including compensation. FEMA publishes the annual Arrangement in the **Federal Register**. *See* 44 CFR 62.23(a). FEMA published the Fiscal Year 2021 Arrangement in March 2020, which became effective October 1, 2020. 85 FR 17339 (Mar. 27, 2020).

FEMA regulations at 44 CFR part 62, the ''Sale of Insurance and Adjustment of Claims,'' set forth the manner in which NFIP flood insurance is made available to the public in participating communities, prescribes the general method by which FEMA exercises its responsibility regarding the manner in which claims for losses are paid, and states reasons for which a policy may be nullified or cancelled and the associated refunds. Section 62.24, ''WYO participation criteria,'' establishes the criteria with which private insurance companies wishing to enter or reenter the WYO Program must comply. Section 62.24(d) outlines requirements that private companies must follow to demonstrate their plans to market flood insurance policies.

As part of § 62.24(d) FEMA requires WYO companies to submit a marketing plan to ensure each company is taking reasonable steps to market flood insurance to the public. As a result, FEMA has set a goal for each WYO company to provide positive net new growth of NFIP flood policies, and encourages these companies by providing growth incentives. *See* Fiscal Year 2021 Arrangement, IV.B.3. FEMA's intent behind the policy growth incentive is to motivate WYO companies to help FEMA in closing the insurance gap and to reach FEMA's goal of doubling the number of properties covered against flood by 2022.[1] Through the policy growth incentives, FEMA provides to WYO companies a flat dollar amount for each new policy they write. The actual incentive amount varies by the extent of net policy growth a WYO company achieves (*i.e.,* a larger net growth will lead to a larger incentive). FEMA limits the total policy growth incentives paid to all WYO companies to two percent of aggregate written premium for all companies. *Id.* To qualify for the incentive, a WYO company must have an overall net policy growth of at least one policy, and the new policies it writes must be new to the NFIP, not a renewal previously written by another WYO company. FEMA pays the incentive to qualifying WYO companies at the end of each Arrangement year. *Id.*

The last sentence of § 62.24(d) states, ''A private insurance company applying for participation in the WYO program shall also furnish its Best's Financial Size Category for the purpose of setting marketing goals.'' Best's, also known as ''AM Best,'' is a credit rating agency. AM Best rating services assess the creditworthiness of and/or reports on over 16,000 insurance companies worldwide.[2] Currently, FEMA does not require companies to provide their specific financial size category along with their marketing plan. This is because FEMA does not consider the size of an insurance carrier when formulating marketing strategies. Section 62.24(d) relates solely to information needed for marketing, not information relating to assessing a company's financial strength. If FEMA wanted to assess a carrier's size, it could do so without requiring information from AM Best. Carriers of all sizes use a rating agency, whether AM Best or a competitor, to comply with their state Department of Insurance, so FEMA could ask for that information if it wanted. In addition, most large carriers, which comprise the majority of WYO carriers, already have an AM Best rating and could make that information available. Moreover, in lieu of rating agency information, FEMA could also use the number of policies in force to assess carrier size. However, because the AM Best requirement in § 62.24(d) relates only to information needed to set marketing goals, and because FEMA neither requires nor uses this information for marketing, FEMA is removing from its regulations this requirement upon the public.

## II. Regulatory Analysis

### *A. Administrative Procedure Act*

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and provide interested persons the opportunity to submit comments. *See* 5 U.S.C. 553(b) and (c). The APA provides an exception to this prior notice and comment requirement for rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(3)(A). This final rule is a procedural rule promulgated for agency efficiency purposes. This action is limited to updating FEMA's regulations to remove a requirement upon WYO applicants to furnish a particular piece of information regarding their financial size for the purpose of setting marketing goals that FEMA does not actually need from them or use in practice. As such, this rule simply updates FEMA's regulations to align with current Agency practice. This rule does not affect the substantive rights or interests of WYO applicants. The AM Best requirement in the last sentence of § 62.24(d) was only related to the determination of marketing strategies; FEMA has never considered information from AM Best in

[1] In 2017, the Federal Insurance and Mitigation Administration set two ambitious goals: (1) To quadruple the investment in mitigation across the nation by 2022, and (2) to double the number of insurance policies across the nation by 2022. These goals have become the basis for FEMA's Strategic Objective 1.1: Incentivize investments that reduce risk, including pre-disaster mitigation, and reduce disaster costs at all levels; and Objective 1.2: Close the insurance gap. For more information, please see FEMA's Strategic Plan 2018–2022 at *https://www.fema.gov/sites/default/files/2020-03/fema-strategic-plan_2018-2022.pdf.* Accessed Sept. 16, 2021.

[2] *See https://www.ambest.com/home/default.aspx.* Accessed June 24, 2021.

determining eligibility to participate in the WYO Program.

Further, the APA generally requires that substantive rules incorporate a 30-day delayed effective date. 5 U.S.C. 553(d). However, the APA provides an exception to the 30-day delayed effective date for rules which grant or recognize an exemption or relieve a restriction. 5 U.S.C. 553(d)(1). This rule relieves a restriction rendering private insurance companies ineligible to participate in the WYO Program unless they furnish information on their financial size. As mentioned above, FEMA does not require this information in practice to determine eligibility to participate, and is therefore updating its regulations to remove this unnecessary restriction upon the public.

*B. Executive Orders 12866, ''Regulatory Planning and Review'' and 13563, ''Improving Regulation and Regulatory Review''*

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by OMB. The following paragraphs explain the need for the updated regulation, the affected population, and the benefits.

Need for Updated Regulation

Current regulations require private insurance companies applying to participate in the WYO program to furnish their Best's Financial Size Category for the purpose of setting marketing goals. However, this is no longer a FEMA practice as FEMA does not set marketing goals for participating WYO companies. Instead, FEMA utilizes the policy growth incentives to motivate companies to utilize their resources in the marketing and sales of new NFIP policies. The purpose and goals of the policy growth incentives is to (1) increase the number of customers with flood insurance policies; (2) increase the financial stability of the program by distributing the policy base and increasing focus on lower risk policies; and (3) to act as a reinvestment to advance future growth activities.

The policy growth incentives provide a flat dollar amount for each new policy a WYO company writes. To qualify for the policy growth incentives, the company must have an overall net growth and the new policies must be new to the NFIP and not a renewal previously written by another WYO Company. The total policy growth incentives paid to WYO companies will not exceed two percent of the aggregate net written premium collected by all WYO companies. FEMA will pay those WYO companies, who qualify for an incentive, at the end of the Arrangement year.

FEMA is issuing this final rule to remove a requirement that a private insurance company applying to participate in the WYO program furnish its Best's Financial Size Category for the purpose of setting marketing goals.

Affected Population

This rule affects private companies participating in and applying for participation in the WYO Program. Currently there are 12 of the 56 WYO companies who are either ''Not Rated'' or have never been rated by AM Best and do not utilize their service. This rule removes the requirement to provide information that FEMA no longer enforces or uses in implementing the NFIP. Although FEMA is no longer enforcing this requirement, 44 WYO companies continue to use AM Best services. FEMA will no longer require an AM Best rating because FEMA, to the extent necessary, can accurately assess the size of a carrier for marketing purposes without the rating. Nevertheless, size is not a consideration FEMA uses when formulating marketing strategies. FEMA assumes most of the larger carriers would continue to use AM Best for other purposes, so FEMA will still be able to review the rating. Accordingly, FEMA believes this change may have little to no effect on these companies' choice to use a rating service.

Baseline

FEMA is issuing this rule to align regulations with current FEMA practice. Accordingly, FEMA is using a no-action baseline to show the effects of this rule compared to current regulations and practice.

Costs

FEMA expects the only costs from this rule to be the opportunity cost of time for WYO companies to familiarize themselves with this final rule. Currently, 56 private companies participate in the WYO program. FEMA assumes that each company will have two Management Analysts [3] spending two hours to read and understand this rule. Using the hourly mean wage rate of $42.62 per hour with a 1.45 wage multiplier [4] results in a total cost of $123.60 ($42.62 × 2 hours × 1.45) per company. Based on a total of 44 companies, the total cost of this rule is estimated to be $5,438 in the first year.

Distributional Effects

This rule may result in distributional impacts to insurance rating companies by removing a requirement that FEMA does not impose in implementing the NFIP. This will simplify the Code of Federal Regulations and reduce confusion, and further align the regulations with FEMA's current exercise of its authority.

Rating services are an important part of large insurance carriers' business and FEMA believes their use of AM Best is not predicated on the requirement in 44 CFR 62.24(d) for a size rating. Rather, large insurance carriers use the rating to not only market their company to policyholders but also to potential investors. It can also be required for State regulatory purposes. In most instances they choose to use multiple rating services. Moreover, the ''size'' category is not the only service provided by the rating agencies as it is a small part of a larger service. As such, FEMA does not believe this change will affect large WYO companies' use of AM Best. It is possible that small WYO companies who have continued to use AM Best may to choose to use the services of a competitor. However, FEMA expects that these companies will continue to use the services of a rating company as they have continued to pay for AM Best services despite FEMA no longer enforcing a requirement to do so. Accordingly, this rule may result in distributional impacts as some WYOs may switch from AM Best to a different rating company or use no rating company at all. There are no impacts to

[3] U.S. Department of Labor, Bureau of Labor Statistics, May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 524120—Direct Insurance (except Life, Health, and Medical) Carriers. Available online at: *https://www.bls.gov/oes/2020/may/naics5_524120.htm* (mean wage rate for Management Analysts, SOC: 13–1111, NAICS 524120). Accessed June 8, 2021.

[4] Bureau of Labor Statistics, the wage multiplier is calculated by dividing total compensation for all workers of $38.60 by wages and salaries for all workers of $26.53 per hour yielding a benefits multiplier of approximately 1.45. Available at *https://www.bls.gov/news.release/archives/ecec_03182021.htm*. Accessed June 8, 2021.

the Federal government associated with this rule.

Conclusion

FEMA estimates this final rule will result in total costs to WYO companies of $5,438 in the first year. There are no impacts to the Federal government associated with this rule. FEMA believes this change may have little to no effect on companies' choice to use a rating service, but the rule may result in distributional impacts as some WYOs may switch from AM Best to a different rating company.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), and section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, 110 Stat. 847, 858–9 (Mar. 29, 1996) (5 U.S.C. 601 note) require that special consideration be given to the effects of regulations on small entities. The RFA applies only when an agency is ''required by section 553 . . . to publish general notice of proposed rulemaking for any proposed rule.'' 5 U.S.C. 603(a). An RFA analysis is not required for this rulemaking because FEMA is not required to publish a notice of proposed rulemaking.

*D. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 658, 1501–1504, 1531–1536, 1571, pertains to any rulemaking which is likely to result in the promulgation of any rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) or more in any one year. If the rulemaking includes a Federal mandate, the Act requires an agency to prepare an assessment of the anticipated costs and benefits of the Federal mandate. The Act also pertains to any regulatory requirements that might significantly or uniquely affect small governments. Before establishing any such requirements, an agency must develop a plan allowing for input from the affected governments regarding the requirements.

FEMA has determined that this rulemaking will not result in the expenditure by State, local, and Tribal governments, in the aggregate, nor by the private sector, of $100,000,000 or more in any one year as a result of a Federal mandate, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*E. Paperwork Reduction Act of 1995*

As required by the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 109 Stat. 163, (May 22, 1995) (44 U.S.C. 3501 *et seq.*), FEMA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless FEMA obtains approval from the Office of Management and Budget (OMB) for the collection and the collection displays a valid OMB control number. FEMA has determined that this rulemaking does not contain any collections of information as defined by that Act.

*F. Privacy Act/E-Government Act*

Under the Privacy Act of 1974, 5 U.S.C. 552a, an agency must determine whether implementation of a proposed regulation will result in a system of records. A ''record'' is any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his/her education, financial transactions, medical history, and criminal or employment history and that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. *See* 5 U.S.C. 552a(a)(4). A ''system of records'' is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. An agency cannot disclose any record which is contained in a system of records except by following specific procedures.

The E-Government Act of 2002, 44 U.S.C. 3501 note, also requires specific procedures when an agency takes action to develop or procure information technology that collects, maintains, or disseminates information that is in an identifiable form. This Act also applies when an agency initiates a new collection of information that will be collected, maintained, or disseminated using information technology if it includes any information in an identifiable form permitting the physical or online contacting of a specific individual.

The system of record for the NFIP, DHS/FEMA–003—National Flood Insurance Program Files, was published in the **Federal Register** on May 19, 2014 (79 FR 28747). This rule does not impact this existing system of record, nor does it create a new system of record. Therefore, this rule does not require coverage under an existing or new Privacy Impact Assessment or System of Records Notice.

*G. Executive Order 13175, ''Consultation and Coordination With Indian Tribal Governments''*

Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' 65 FR 67249 (Nov. 9, 2000), applies to agency regulations that have Tribal implications, that is, regulations that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Under this Executive order, to the extent practicable and permitted by law, no agency shall promulgate any regulation that has Tribal implications, that imposes substantial direct compliance costs on Indian Tribal governments, and that is not required by statute, unless funds necessary to pay the direct costs incurred by the Indian Tribal government or the Tribe in complying with the regulation are provided by the Federal Government, or the agency consults with Tribal officials.

FEMA has reviewed this final rule under Executive Order 13175 and has determined that 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. This rule relieves a requirement on private insurance companies to furnish information on their financial size to participate in the WYO program. The removal of this requirement will not affect the substantive rights or interests of Indian Tribal governments.

*H. Executive Order 13132, ''Federalism''*

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that 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. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FEMA has determined that this rulemaking does 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, and therefore does not have federalism implications as defined by the Executive Order.

*I. Executive Order 11988, ''Floodplain Management''*

Pursuant to Executive Order 11988, ''Floodplain Management,'' 42 FR 26951 (May 24, 1977), each agency must provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. In carrying out these responsibilities, each agency must evaluate the potential effects of any actions it may take in a floodplain; ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and prescribe procedures to implement the policies and requirements of the Executive order.

Before promulgating any regulation, an agency must determine whether the proposed regulations will affect a floodplain(s), and if so, the agency must consider alternatives to avoid adverse effects and incompatible development in the floodplain(s). If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in Executive Order 11988 is to promulgate a regulation that affects a floodplain(s), the agency must, prior to promulgating the regulation, design or modify the regulation to minimize potential harm to or within the floodplain, consistent with the agency's floodplain management regulations. It must also prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

The purpose of this rule is to remove a requirement on private insurance companies to furnish information on their financial size to participate in the WYO program. In accordance with 44 CFR part 9, ''Floodplain Management and Protection of Wetlands,'' FEMA determines that the changes proposed in this rule would not have an effect on floodplains.

*J. Executive Order 11990, ''Protection of Wetlands''*

Executive Order 11990, ''Protection of Wetlands,'' 42 FR 26961 (May 24, 1977) sets forth that each agency must provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. These responsibilities include (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. Each agency, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding, the head of the agency may take into account economic, environmental and other pertinent factors.

In carrying out the activities described in Executive Order 11990, each agency must consider factors relevant to a proposal's effect on the survival and quality of the wetlands. These include public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources. They also include other uses of wetlands in the public interest, including recreational, scientific, and cultural uses. The purpose of this rule is to remove a requirement on private insurance companies to furnish information on their financial size to participate in the WYO program. In accordance with 44 CFR part 9, ''Floodplain Management and Protection of Wetlands,'' FEMA determines that the changes in this rule would not have an effect on wetlands.

*K. National Environmental Policy Act of 1969 (NEPA)*

Under the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 *et seq.,* an agency must consider impacts of its actions on the environment and prepare an environmental assessment or environmental impact statement for any rulemaking that has potential to significantly affect the quality of the human environment. A categorical exclusion (CATEX) is a form of NEPA compliance that applies to actions that do not need to undergo detailed environmental analysis because it has been determined through experience that they typically do not have a significant impact on the human environment. An agency may apply a CATEX if the project fits within the identified criteria of the CATEX.

Rulemaking is a major Federal action subject to NEPA. CATEX M1(d) included in the list of categorical exclusions found in the Department of Homeland Security Instruction Manual 023–01–001–01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A, issued November 6, 2014, covers activities in support of FEMA's administration of the National Flood Insurance Program, including revisions WYO participation criteria. This rule for the NFIP meets CATEX M1(d) and does not require further analysis under NEPA.

*L. Congressional Review of Agency Rulemaking*

Under the Congressional Review of Agency Rulemaking Act (CRA), 5 U.S.C. 801–808, before a rule can take effect, the Federal agency promulgating the rule must submit to Congress and to the Government Accountability Office (GAO) a copy of the rule; a concise general statement relating to the rule, including whether it is a major rule; the proposed effective date of the rule; a copy of any cost-benefit analysis; descriptions of the agency's actions under the Regulatory Flexibility Act and the Unfunded Mandates Reform Act; and any other information or statements required by relevant executive orders.

FEMA has sent this final rule to the Congress and to GAO pursuant to the CRA. The rule is not a ''major rule'' within the meaning of the CRA. It will not have an annual effect on the economy of $100,000,000 or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have

significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

**List of Subjects in 44 CFR Part 62**

Claims, Flood insurance, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Federal Emergency Management Agency amends 44 CFR part 62 as follows:

## PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

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

**Authority:** 42 U.S.C. 4001 *et seq.;* 6 U.S.C. 101 *et seq.*

### Subpart C—Write-Your-Own (WYO) Companies

**§ 62.24 [Amended]**

■ 2. In § 62.24, amend paragraph (d) by removing the last sentence.

**Deanne Criswell,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2021–25956 Filed 11–26–21; 8:45 am]

**BILLING CODE 9111–52–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 679

**[Docket No. 210217–0022; RTID 0648–XB121]**

### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

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

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), November 23, 2021, through 2400 hrs, A.l.t., December 31, 2021.

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

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

The 2021 TAC of Atka mackerel, in the CAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 1,372 metric tons by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

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

**Classification**

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the Atka mackerel directed fishing in the CAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 22, 2021.

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

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

Dated: November 23, 2021.

**Ngagne Jafnar Gueye,**

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

[FR Doc. 2021–25921 Filed 11–23–21; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 679

**[Docket No. 210217–0022; RTID 0648–XB142]**

### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

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

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), November 23, 2021, through 2400 hrs, A.l.t., December 31, 2021.

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

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

The 2021 TAC of Pacific ocean perch, in the CAI, allocated to vessels participating in the BSAI trawl limited access sector fishery was established as a directed fishing allowance of 547 metric tons by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021).

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

**Classification**

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific ocean perch in the CAI for vessels participating in the BSAI trawl limited access sector fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 22, 2021.

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

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

Dated: November 23, 2021.

**Ngagne Jafnar Gueye,**

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

[FR Doc. 2021–25960 Filed 11–23–21; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 86, No. 226
Monday, November 29, 2021

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 93

**[Docket No. APHIS–2016–0033]**

**RIN 0579–AE62**

## Import Regulations for Horses

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to amend the regulations for the importation of equines. These changes include increasing the number of days horses exported from regions free from contagious equine metritis (CEM) are allowed to spend in a CEM-affected region and re-enter the United States without testing from 60 days to 90 days; requiring an import permit for horses transiting through CEM-affected regions; adding requirements for health certifications to ensure health certifications properly attest to the health of the imported horse; removing the requirement that horses permanently imported from Canada undergo inspection at the port of entry; requiring that horses transiting Central America or the West Indies comply with the same regulations that apply to horses directly imported from these regions; and adding requirements for shipping containers used in transporting horses. We are also proposing a number of miscellaneous changes to the regulations such as clarifications of existing policy or intent, and corrections of inconsistencies or outdated information. Many of these proposed changes would better align our regulations with international standards and allow us and the equine industry more flexibility. The proposed changes would also add further safeguards that protect against introducing or disseminating pests or diseases of livestock into the United States.

**DATES:** We will consider all comments that we receive on or before January 28, 2022.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2016–0033 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2016–0033, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Iwona Popkowski, VS Strategy and Policy, Live Animal Imports, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231; (301) 851–3300.

**SUPPLEMENTARY INFORMATION:**

### Background

Under the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture may prohibit or restrict the importation or entry of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock. The AHPA also authorizes the Secretary to prohibit or restrict the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

The regulations in 9 CFR part 93 (referred to below as the regulations) prohibit or restrict the importation of certain animals, including horses, as well as their means of conveyance, pursuant to the AHPA. We are proposing a number of changes to the horse import regulations to better align them with international standards and improve flexibility for both the equine industry and the Animal and Plant Health Inspection Service (APHIS).

*Contagious Equine Metritis*

In § 93.301, paragraph (e)(3) contains the requirements for testing and treatment of stallions, and paragraph (e)(5) the testing and treatment requirements for mares, that are imported from regions where contagious equine metritis (CEM) exists after the stallions or mares have entered quarantine in an approved State. Both paragraphs specify the specimens that must be taken for testing; however, while paragraph (e)(5) requires that the samples from mares be collected by an accredited veterinarian, paragraph (e)(3) does not require that samples from stallions be collected by an accredited veterinarian. To correct this inconsistency, we are proposing to amend paragraph (e)(3)(i) to require that the samples from stallions be collected by an accredited veterinarian.

Paragraph (e)(3)(i)(B) describes CEM testing procedures for mares to which stallions are test bred and includes the numbers of days after breeding certain procedures should occur. In order to facilitate accurate counting and eliminate confusion about whether the first day should be considered the day of breeding or the day after breeding, we are proposing to add language clarifying that the day after the date of breeding should be considered the first day.

Paragraph (e)(4) contains requirements for mares used to test stallions for CEM. Currently, the regulations state that test mares used for such testing must be marked with the letter ''T.'' To allow for greater flexibility, we are proposing to add the phrase ''or other permanent identification approved by APHIS'' to this requirement. Importers interested in using other means of permanent identification would be able to contact APHIS Live Animal Imports by email at *VS.CEM.DATA@usda.gov* to seek approval.

Paragraph (g) contains special provisions for the importation of horses that have been temporarily exported to a region where CEM exists. Currently,

horses exported from the United States or another region not known to be CEM-affected are allowed to spend up to 60 days in a CEM-affected region and be re-imported into the United States without having to undergo CEM testing, provided certain conditions are met. The conditions include that the horse be accompanied by a certificate that meets the requirements in § 93.314(a) of the regulations issued by each CEM-affected region that the horse has visited during the term of its temporary exportation. The certificate must include additional declarations stating, among other things, that the horse was held separate and apart from all other horses except for the time it was actually participating in an event and that the horse was not bred while in the CEM-affected region. We are proposing to amend the regulations to extend the temporary export period to 90 days, while maintaining the same separation and documentation requirements.

We are making this change after the equine industry asked APHIS to consider increasing the temporary export period to 90 days to better align our regulations with typical competition cycles. Competition horses move frequently between the United States, Canada, and CEM-affected regions within European Union Member States, and the competition cycle is often more than 60, but no more than 90, days.

APHIS has concluded that the risk of horses introducing CEM to the United States would continue to be minimal if the temporary export period was increased to 90 days. The most significant safeguards against these horses introducing CEM into the United States are the attestations required by the health certificate in the current regulations, rather than the amount of time the horses may spend in a CEM-affected region. Horses temporarily exported to a CEM-affected region must be accompanied by endorsed health certificates from the CEM-affected region(s) attesting that the returning horses were never used for breeding; were held separately from other horses while not in competition or training; and, have never undergone a genital examination which could have exposed these returning horses to CEM. Because CEM is spread through genital contact, we consider these attestations to be effective mitigations against the introduction of CEM.

We would also make minor editorial changes to paragraph (g) by adding clarifying language and changing the syntax to better explain to which horses the paragraph applies. We are also correcting a reference in paragraph (g)(4) that incorrectly referred to paragraphs (a) through (c) but should have instead pointed to paragraphs (g)(1) through (3).

Paragraph (h) lists conditions that a State must meet in order to be approved to receive stallions or mares over 731 days of age from a CEM-affected region. We are proposing to add a new paragraph (h)(4) to this list of conditions that a State must agree to provide oversight during the test breeding of quarantined stallions. Oversight is necessary in order to ensure that this process is carried out correctly and completely. This change comes at the request of numerous States that have recognized this need but have had difficulty implementing and enforcing this requirement because it was not listed in the regulations. By adding a new paragraph (h)(4), we would redesignate current paragraphs (h)(4) through (7) as paragraphs (h)(5) through (8), respectively. We are also proposing to fix broken internet addresses in newly designated paragraphs (h)(7) and (8) that link to the lists of States approved by APHIS to receive such stallions or mares, as well as correct the mailing address where these lists may alternatively be obtained to reflect current organizational structure.

*Import Permits*

In § 93.304, paragraph (a) contains provisions governing imports for which a permit is required. Currently, only horses from regions that APHIS considers to be affected with CEM, horses intended for quarantine at a privately owned quarantine facility, and horse test specimens for diagnostic screening purposes are required to submit an application for an import permit. Because horses transiting through regions affected with CEM present risks similar to those presented by horses imported directly from these regions, we are proposing to add horses transiting CEM-affected regions listed in § 93.301(c)(1) en route to the United States to § 93.304(a)(1)(i). Horses transiting through regions APHIS considers to be affected with CEM would be required to apply for an import permit and fulfil all other conditions listed in § 93.304(a) that are currently only required of horses imported directly from these regions.

Paragraph (a)(1)(i) also currently states that additional information may be required during the import permit application process, which may come ''in the form of certificates concerning specific diseases to which the horses are susceptible, as well as vaccinations or other precautionary treatments to which the horses or horse test specimens have been subjected.'' We are proposing to add the phrase ''or other attestation regarding the health of the animals'' to this sentence in order to further clarify the nature of the information that APHIS may require. Such additional attestation may include requiring certain subsets of horses to provide certification that the horses have not been exposed to other pests or diseases beyond the diseases already addressed in the health certificate, if necessary.

We are also proposing to clarify that the provisions of this section apply to horses intended for quarantine at Federal quarantine facilities as well, in order to reflect current practices more accurately. On October 28, 2020, APHIS Veterinary Services (VS) issued an import notice,[1] a type of order issued pursuant to the AHPA, regarding import permits for horses from CEM-affected regions. That notice addressed a prior inconsistency in enforcing the import permit requirements for certain horses who enter Federal quarantine facilities and acknowledged that this inconsistency caused confusion and difficulties for both port personnel and importers. The notice clarified that, beginning January 1, 2021, all horses from CEM-affected regions must be accompanied by an import permit, regardless of where import quarantine is completed. This proposed clarification seeks to codify the import notice and add this same clarification to the regulations.

*Health Certification*

Section 93.314 of the regulations outlines specific health certification requirements for horses offered for importation into the United States. We are proposing to clarify current health certification regulations to increase compliance. This includes requiring that certifications are prepared and issued directly from the national government of the region of origin or annotated by the national government of the region of origin to indicate how the documentation may be verified; requiring that origin and destination addresses are listed on the certificate; and requiring identifying information regarding the horse or horse test specimens, importer, and exporter are listed on the health certificate. These proposed changes would help APHIS confirm the legitimacy of the required documentation, as well as align information presented on the health certificate with what is currently required for other accompanying documents, such as the declaration of importation and the import permit.

[1] To view the import notice, go to: *https://www.aphis.usda.gov/import_export/animals/equine/import-permits-equine-cem-regions.pdf.*

We are also proposing to require that, if applicable, health certificates confirm that the horse has not been castrated during the 14 days preceding exportation. Horses that have been so recently castrated are at an increased risk of infection and transporting them during this window risks compromising both their own health and the health of other horses. We would also require that castrated horses be accompanied by a certificate of castration.

Additionally, we are proposing to require that horses be accompanied by documentation stating that a pre-export examination occurred within 48 hours of the horse's export in order to further ensure that horses imported into the United States are free of pests and diseases of livestock and fit to travel at the time of export.

We are also proposing two minor edits to align this section with other sections regarding horses in special circumstances.

Paragraph (a)(1) requires health certificates to state that horses have been in the said region for the 60 days preceding exportation. In light of the change proposed to § 93.301(g), allowing horses to be temporarily exported to CEM-affected countries for 90 days, we are proposing to add to this paragraph that, for horses described in § 93.301(g), this attestation applies for the duration of the horses' temporary exportation to each CEM-affected region. This is necessary to ensure that health certificates for these horses continue to include accurate information regarding their whereabouts for the entire duration of their temporary exportation.

We would also clarify that paragraph (a)(7)(i), which requires health certificates to state that horses have not been in any region affected with CEM during the 12 months immediately prior to export, does not apply to horses described in § 93.301(f), which are horses from regions affected with CEM that are temporarily imported to the United States for competition or entertainment purposes. These latter horses have special provisions outlined in § 93.301(f), and this change clarifies § 93.314 to align with those provisions.

*Horses From Canada*

Section 93.317 of the regulations governs the importation of horses from Canada, while § 93.318 governs special provisions concerning these importations. Currently, horses from Canada temporarily imported into the United States may enter through any Canada-U.S. land border port that allows entry of animals without an APHIS inspection, whereas horses from Canada permanently imported into the United States must receive an inspection prior to entry. We are proposing to amend the regulations to remove distinctions between temporary and permanent import by removing the requirement that horses presented for permanent importation receive an inspection prior to entry. Requirements that currently apply to both temporarily imported and permanently imported horses would remain the same; horses would be allowed to enter the United States when accompanied by an official, Canadian Food Inspection Agency-endorsed health certificate issued within 30 days of the date of entry into the United States and when there are negative results of a test for equine infectious anemia taken within 180 days of entry.

APHIS considers the health status of temporarily and permanently imported horses from Canada to be generally equivalent. Moreover, the health certificate, which requires negative tests for diseases of pests or livestock affecting horses, already provides sufficient evidence that the horses presented for importation are free of communicable disease. For these reasons, this change would not increase the risk of introducing communicable diseases or pests of livestock into the United States. Additionally, the proposed change would align APHIS import requirements with Canada's requirements for import of horses from the United States, which stipulates that U.S.-origin horses must meet the same import requirements regardless of whether they are imported temporarily or permanently.

This proposed change would not impact the special provisions for horses from Canada imported for immediate slaughter or for horses from Canada transported in-bond through the United States for immediate export, which will continue to be inspected at the port of entry.

*Horses From Central America and the West Indies*

Section 93.319 contains import permit requirements for horses imported from Central America and the West Indies. In that section currently, only horses directly imported from Central America and the West Indies are required to present an import permit and declaration upon entry. Likewise, the requirements concerning health certificates, quarantine, and testing listed in § 93.320 currently only apply to horses directly imported from these regions as well. Because horses transiting through these regions present risks similar to those presented by horses imported directly from them, we are proposing to add horses that transit Central America or the West Indies en route to the United States be required to comply with these requirements upon entry as well. We would also clarify existing policy by adding to § 93.319 that all horses imported from or transiting Central America and the West Indies are required to have obtained an import permit in accordance with § 93.304; this requirement is currently implied by the heading of the section, but not overtly stated in the text.

*Shipping Containers*

Section 93.302 governs the inspection, unloading, cleaning, and disinfection requirements of certain aircraft and other means of conveyance and shipping containers. We are proposing to amend the regulations to include a paragraph that addresses the requirements for shipping containers, including disinfection requirements, as well as measures to ensure that horses are transported safely. This will address the repeated health and safety issues present for equines during transport and will provide APHIS with more regulatory authority to enforce standards for shipping containers. We are proposing to present these requirements as performance standards in the regulations. Guidance on how to meet these requirements would be found in the *Live Animal Regulations (LAR),* as amended, published by the International Air Transport Association (IATA). If an importer wishes to use alternative means of meeting the requirements other than those in the LAR, they would be able to contact APHIS Live Animal Imports to ask for approval by phone at (301) 851–3300, option 2, or by email at *VS.Live.Animal.Import.Export@usda.gov.*

*Miscellaneous*

Lastly, in various sections, we are proposing to add language that clarifies existing policy in order to reduce confusion and ensure that the regulations are as clear as possible, as well as to update outdated information.

Paragraph (d) of § 93.301 governs the importation of Spanish pure breed horses from Spain and racing thoroughbred horses from France, Germany, Ireland, and the United Kingdom. Paragraph (d)(1)(ii) stipulates that such horses must be accompanied by a health certificate and outlines the requirements of such health certificates. We are proposing to require that, for Spanish pure breed horses, the health certificate state that the horses have been in Spain for a minimum of 60 days

immediately prior to export. For racing thoroughbreds from France, Germany, Ireland and/or the United Kingdom, the health certificate must state that the horses have been in one or more of these countries for a minimum of 60 days immediately prior to export. We are proposing these changes in response to confusion about what the phrases ''from Spain'' and ''from France, Germany, Ireland, and the United Kingdom'' mean in the context of horses referred to in this paragraph.

The regulations currently require the veterinarian issuing such health certificates to certify that he or she has examined the records of the horse's activities maintained by a breed association. We are proposing to add the words ''and identification'' after the word ''activities'' to better describe the information the veterinarian is required to examine.

The current regulations require the veterinarian to compare records kept by the breed association to records kept by the horse's trainer. We are proposing to add the words ''including the competition or event records'' after the words ''the records kept by the trainer'' to provide veterinarians with more detailed guidance on which records they are required to examine.

For Spanish pure breed horses from Spain, the veterinarian is currently required to examine the breed association's records to ensure that breeding of the horse has never been attempted since the horse reached 731 days of age. To address current and future breeding technologies and practices, we are proposing to clarify that this prohibition on breeding applies to both live and artificial breeding.

We are also proposing to make a minor editorial change to this section by adding the word ''racing'' in front of the words ''thoroughbred horses from France, Germany, Ireland, and the United Kingdom'' in the introductory text to paragraph (d).

Paragraph (j) of § 93.301 describes the general entry requirements for horses from regions where screwworm exists. We are proposing to move these requirements from § 93.301 to § 93.308, where other import testing and examination requirements are listed. The requirements for importation of horses from regions where screwworm exists would be found in § 93.308(a)(3).

We would also replace the phrase ''APHIS animal import center,'' which is currently provided as the location of quarantine, with the more precise phrase ''port designated in § 93.303.'' Additionally, we would clarify that horses imported from regions where screwworm exists must also obtain an import permit in accordance with § 93.304.

Section 93.306 governs the inspection of imported horses at the port of entry. Currently, the regulations state that all horses that fail to meet the provisions part 93 will be refused entry. We would clarify that this provision applies to horses dead upon presentation as well.

Section 93.307 stipulates that no articles accompanying horses during their importation shall be landed at the port of entry except as directed by the inspector in charge of the port of entry. Currently, the regulations include in the list of relevant articles ''other things used for or about horses governed by the regulations this part.'' We are proposing to replace this phrase with the more specific phrase ''other things used for or about horses governed under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any pests or diseases of livestock.''

Paragraph (a)(1) of § 93.308 governs the importation of horses from regions where Venezuelan equine encephalomyelitis (VEE) exists. Currently, paragraph (a)(1)(i) states that APHIS keeps a list of regions free of VEE. This is incorrect. Instead, APHIS keeps a list of regions affected with VEE. Paragraph (a)(1)(ii) explains the procedures for adding and removing regions from this list, and, in doing so, references the incorrect description of the nature of this list. We are proposing to correct these statements.

Additionally, we are proposing to clarify existing policy by adding that horses imported from regions where VEE exists must obtain an import permit in accordance with § 93.304 in addition to all other requirements listed. We would also make minor syntactical changes to improve readability and clarity.

Paragraph (b) of § 93.308 describes temporary, privately owned quarantine facilities in which some horses may complete quarantine. In order to accurately reflect current practices, we are proposing to clarify that horses originating from regions in which Venezuelan equine encephalomyelitis or screwworm is declared to exist may not complete quarantine in temporary, privately-owned quarantine facilities. Horses from these regions cannot currently complete quarantine in such facilities, nor have they been able to in the past, as the requirements for temporary quarantine facilities are not sufficient to safeguard against vector-borne foreign animal diseases (which include screwworm, Venezuelan equine encephalomyelitis, and African horse sickness).

Current paragraph (a)(5)(i) of § 93.314, which will be redesignated as paragraph (a)(7)(i) in this proposed rule, stipulates that health certificates must state that the horse has not been in a CEM-affected region during the 12 months prior to their importation and mentions that CEM-affected regions are listed in § 93.301(c)(1). However, § 93.301(c)(1) does not list these regions, but instead states that APHIS maintains such a list on the APHIS website. We are proposing to change the phrase ''listed in § 93.301(c)(1)'' to ''listed in accordance with § 93.301(c)(1) on the APHIS website'' to correct this.

Section 93.321 outlines the import permit and inspection requirements for horses imported from Mexico. We are proposing to add a sentence stating that horses completing quarantine in the United States must obtain an import permit as described in § 93.304 in order to clarify existing policy.

Footnotes in §§ 93.308 and 93.324 refer to disease testing protocol documents that no longer exist. We are proposing to replace the information in these footnotes with references to the APHIS website, where current guidance documents outlining the protocol for testing horses in quarantine is available.

**Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

APHIS proposes amending elements of its equine import regulations.

First, APHIS proposes amending its regulations for temporary export of horses to CEM-affected regions. The proposed changes will allow horses to spend up to 90 days in a CEM-affected region.

The proposed amendments will also allow APHIS to correct information in §§ 93.308, 93.314, and 93.319. This includes updating the website to reflect current policies and affected regions. It also includes amending the description of health certification and permit requirements.

Finally, APHIS proposes to amend requirements for import of horses from Canada by removing distinctions between temporary and permanent import.

**Executive Order 12988**

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

In accordance with Section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements included in this proposed rule have been submitted to OMB as a new information collection for approval.

Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this document to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function. Please send a copy of your comments to: (1) Docket No. APHIS–2016–0033, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW, Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

The regulations at 9 CFR 93.301 govern import prohibitions, restrictions, and requirements for horses, and are intended to prevent the introduction of foreign equine diseases into the United States. APHIS is proposing to amend these regulations to clarify and, in some cases, broaden the protection they provide.

APHIS will use a variety of information collection procedures and forms to gather data in its effort to prevent the introduction or spread of disease. In addition to recordkeeping, information collected includes, but is not limited to, applications for import or in-transit permits and declarations of importation; government-issued health, castration, and pre-export inspection certificates; and compliance with identification requirements. These documents or actions are used to properly identify and document the health and movement of horses into the United States. Additional information collections include those associated with CEM sampling specimen submissions that are required to track CEM samples taken to confirm animal health, and oversight agreements that are entered into by State governments to ensure the States comply with Federal quarantining, testing, and treatment requirements.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses).

*Estimate of burden:* Public burden for this collection of information is estimated to average 0.52 hours per response.

*Respondents:* Animal importer and exporters, transport handlers, veterinarians, owners of private quarantine facilities, and foreign government and State animal health officials.

*Estimated annual number of respondents:* 343.

*Estimated annual number of responses per respondent:* 214.

*Estimated annual number of responses:* 73,274.

*Estimated total annual burden on respondents:* 38,339 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

A copy of the information collection may be viewed on the *Regulations.gov* website or in our reading room. (A link to *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) Information about the information collection process may be obtained from Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483. APHIS will respond to any information collection request related comments in the final rule. All comments will also become a matter of public record.

**E-Government Act Compliance**

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. APHIS estimates that 25 percent of the total responses can be processed electronically, either by downloading a fillable PDF file, emailing a document, or for respondents with accounts, using APHIS electronic information systems to process and submit information. The remainder of the collection activities in this information collection cannot be processed electronically because the instruments typically must accompany the animals during transit or are prepared and issued by foreign entities. For assistance with E-Government Act compliance related to this proposed rule, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483, or the person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects in 9 CFR Part 93**

Animal diseases, Imports, Livestock, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

## PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, FISH, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ 1. The authority citation for part 93 continues to read as follows:

**Authority:** 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 93.301 is amended as follows:
■ a. By adding a heading to paragraphs (a) and (b);
■ b. By revising the heading of paragraph (d);
■ c. By redesignating paragraphs (d)(1)(ii)(A) through (E) as paragraphs (d)(1)(ii)(B) through (F), respectively, and adding a new paragraph (d)(1)(ii)(A);
■ d. In newly redesignated paragraph (d)(1)(ii)(C) introductory text, by adding the words ''and identification'' after the word ''activities'';
■ e. In newly redesignated paragraph (d)(1)(ii)(C)(*4*)(*iii*), by adding the words '', either live or artificial'' after the word ''attempted'';
■ f. In newly redesignated paragraph (d)(1)(ii)(D), by adding the words '', including the competition or event records,'' after the word ''trainer'';
■ g. In newly redesignated paragraph (d)(1)(ii)(F), by removing ''(d)(1)(ii)(D)'' and adding ''(d)(1)(ii)(E)'' in its place'';
■ h. In paragraph (d)(2), by removing ''(d)(1)(ii)(D)'' each time it appears and adding ''(d)(1)(ii)(E)'' in its place;
■ i. In paragraph (d)(3), by removing the words ''paragraph (h)(6) or (h)(7)'' and adding the words ''paragraph (h)(7) or (8) in their place;
■ j. In paragraph (e)(2)(i), by removing ''(h)(6)'' and adding ''(h)(7)'' in its place, and by removing ''(h)(7)'' and adding ''(h)(8)'' in its place;
■ k. In paragraph (e)(3)(i) introductory text, by adding the words ''by an accredited veterinarian'' after the words ''of the stallion'';
■ l. In paragraph (e)(3)(i)(B), by adding the words ''(for the purposes of this section, the day after the date of breeding is considered the first day after breeding)'' after the words ''fourteenth day after breeding'';
■ m. By revising paragraph (e)(4)(i);
■ n. In paragraph (f)(10)(i), by removing the words ''paragraph (h)(6) or (h)(7)'' and adding the words ''paragraph (h)(7) or (8) in their place;
■ o. By revising paragraph (g) introductory text;
■ p. In paragraph (g)(4), by removing the words ''(a) through (c)'' and adding the words ''(g)(1) through (3)'' in their place.
■ q. By redesignating paragraphs (h)(4) through (7) as paragraphs (h)(5) through (8), respectively, and adding a new paragraph (h)(4);
■ r. By revising newly redesignated paragraphs (h)(7) and (8); and
■ s. By removing paragraph (j).

The revisions and additions read as follows:

### § 93.301 General prohibitions; exceptions.

(a) *General prohibitions.* * * *

(b) *General exceptions.* * * *

* * * * *

(d) *Spanish Pure Breed horses from Spain and racing thoroughbred horses from France, Germany, Ireland, and the United Kingdom.*

(1) * * *

(ii) * * *

(A) For Spanish Pure Breed horses, the horses have been in Spain for a minimum of 60 days immediately prior to export; for racing thoroughbreds residing in France, Germany, Ireland and/or the United Kingdom, the horses have been in one or a combination of these countries for a minimum of 60 days immediately prior to export;

* * * * *

(e) * * *

(4) * * *

(i) Mares to be used to test stallions for CEM shall be permanently identified before the mares are used for such testing with the letter ''T'' or other permanent identification approved by APHIS on a case-by-case basis. The marking shall be permanently applied by an inspector, a State inspector, or an accredited veterinarian who shall use a hot iron, freezemarking, a lip tattoo, or other APHIS-approved method. If a hot iron or freezemarking is used, the marking shall not be less than 2 inches (5.08 cm) high and shall be applied to the left shoulder or left side of the neck of the mare. If a lip tattoo is used, the marking shall not be less than 1 inch (2.54 cm) high and 0.75 inch (1.9 cm) wide and shall be applied to the inside surface of the upper lip of the test mare.

* * * * *

(g) *Special provisions for the importation of horses that have been temporarily exported to a CEM-affected region.* If a horse originating from the United States has been temporarily exported for not more than 90 days to a CEM-affected region listed under paragraph (c)(1) of this section and returns to the United States during that time, or if a horse originating from a non-CEM affected region has been temporarily exported for not more than 90 days to a CEM-affected region during the 12 months preceding its proposed importation to the United States, the horse may be eligible for return, or for importation into the United States, without meeting the requirements of paragraphs (d) through (f) of this section, under the following conditions:

* * * * *

(h) * * *

(4) The State must agree to provide oversight during the test breeding of quarantined stallions.

* * * * *

(7) A list of States approved by APHIS to receive stallions over 731 days of age imported under paragraph (e) of this section is maintained on the APHIS website at [ADDRESS TO BE ADDED IN FINAL RULE]. Copies of the list will also be available via postal mail, fax, or email upon request to the Regionalization Evaluation Services, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737.

(8) A list of States approved by APHIS to receive mares over 731 days of age imported under paragraph (e) of this section is maintained on the APHIS website at [ADDRESS TO BE ADDED IN FINAL RULE]. Copies of the list will also be available via postal mail, fax, or email upon request to Live Animal Imports, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737.

* * * * *

■ 3. Section 93.302 is amended as follows:
■ a. By redesignating paragraphs (a) through (d) as paragraphs (b) through (e), respectively, and adding a new paragraph (a); and
■ b. By adding a heading to newly redesignated paragraph (e).

The additions read as follows:

### § 93.302 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Shipping container requirements:* Shipping containers used to transport live equine(s) to the United States must meet the following requirements:

(1) Containers must be new or cleaned and disinfected in a manner that sufficiently reduces the risk of introduction or dissemination of any pests or diseases of livestock into the United States.

(2) Containers must be of sufficient size and construction to reasonably assure that live equine(s) are transported safely.

(3) Stocking density of live equine(s) must not be to an extent that impinges

on the animals' safety during transportation.

(4) Guidance on how to meet these requirements may be found in the Live Animal Regulations (LAR), as amended, published by the International Air Transport Association (IATA). The Administrator may also approve alternative guidance than that described in the LAR.

* * * * *

(e) *Shipping container:* * * *

**§ 93.304 [Amended]**

■ 5. In § 93.304, paragraph (a)(1)(i) is amended, in the first sentence, by adding the words ''or transiting'' after the words ''For horses from'', adding the words ''Federal quarantine or'' after the words ''quarantine at a'', and removing the words ''except as otherwise provided for in §§ 93.315, 93.319, and 93.321,'', and in the next to last sentence, by adding the words '', or other attestation regarding the health of the animals'' after the word ''subjected''.

**§ 93.306 [Amended]**

■ 5. Section 93.306 is amended by adding the words '', to include horses dead upon presentation,'' after the words ''all other horses'' in the second sentence.

■ 6. Section 93.307 is revised to read as follows:

**§ 93.307 Articles accompanying horses.**

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about horses governed under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any pests or diseases of livestock, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

■ v7. Section 93.308 is amended as follows:

■ a. By revising paragraph (a)(1);

■ b. By redesignating paragraphs (a)(3) and (4) as paragraphs (a)(4) and (5), respectively, and adding a new paragraph (a)(3);

■ c. By revising footnote 11;

■ d. In paragraph (b) introductory text, by adding the words '', except horses originating from regions in which Venezuelan equine encephalomyelitis or screwworm is declared to exist,'' after ''§ 93.303(e)''; and

■ e. In paragraph (c)(4)(v)(B), by removing ''(a)(4)'' and adding ''(a)(5)'' in its place.

The revisions and addition read as follows:

**§ 93.308 Quarantine requirements.**

(a) * * *

(1) Except as provided in §§ 93.317 (horses from Canada) and 93.324 (horses from Mexico), horses intended for importation from regions that APHIS considers to be affected with Venezuelan equine encephalomyelitis shall be quarantined at a port designated in § 93.303 to be evaluated for signs of Venezuelan equine encephalomyelitis. Each horse must be accompanied at the time of importation by an import permit in accordance with § 93.304.

(i) A list of regions that APHIS considers affected with Venezuelan equine encephalomyelitis is maintained on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions.* Copies of the list can be obtained via postal mail or email upon request to Regionalization Evaluation Services, Strategy and Policy, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, Maryland 20737; *AskRegionalization@usda.gov.*

(ii) APHIS will add a region to the list upon determining that the disease exists in the region based on reports APHIS receives of outbreaks of the disease from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE), or from other sources the Administrator determines to be reliable. APHIS will remove a region from the list after conducting an evaluation of the region in accordance with § 92.2 of this subchapter and finding that the disease is not present in the region. In the case of a region formerly not on this list that is added due to an outbreak, the region may be removed from the list in accordance with the procedures for reestablishment of a region's disease-free status in § 92.4 of this subchapter.

* * * * *

(3) Horses from regions where APHIS considers screwworm to exist may be imported into the United States only if they meet the requirements in paragraphs (a)(3)(i) through (vii) of this section, obtain an import permit in accordance with § 93.304, and meet all other applicable requirements of this part. A list of regions where screwworm is considered to exist is maintained on the APHIS website at *https://www.aphis.usda.gov/animalhealth/disease-status-of-regions.* Copies of the list will also be available via postal mail, fax, or email upon request to the Regionalization Evaluation Services, Strategy and Policy, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737; *AskRegionalization@usda.gov.* APHIS will add a region to the list upon determining that screwworm exists in the region based on reports APHIS receives of detections of the pest from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE), or from other sources the Administrator determines to be reliable. APHIS will remove a region from the list after conducting an evaluation of the region in accordance with § 92.2 of this subchapter and finding that screwworm is not present in the region. In the case of a region formerly not on this list that is added due to a detection, the region may be removed from the list in accordance with the procedures for reestablishment of a region's disease-free status in § 92.4 of this subchapter.

(i) A veterinarian must treat horses with ivermectin 3 to 5 days prior to the date of export to the United States according to the recommended dose prescribed on the product's label.

(ii) Horses must be examined for screwworm by a full-time salaried veterinary official of the exporting country within 24 hours prior to shipment to the United States. The official must fully examine the horses, including their external genitalia. If horses are found to be infested with screwworm, they must be treated until free from infestation.

(iii) At the time horses are loaded onto a means of conveyance for export, a veterinarian must treat any visible wounds on the animals with a solution of coumaphos dust at a concentration of 5 percent active ingredient.

(iv) Horses must be accompanied to the United States by a certificate signed by a full-time salaried veterinary official of the exporting country. The certificate must state that the horses, including their external genitalia, have been thoroughly examined and found free of screwworm and that the horses have been treated in accordance with paragraphs (a)(3)(i) and (iii) of this section.

(v) Horses must be quarantined upon arrival in the United States at a port designated in § 93.303 for at least 7 days.

(vi) Horses must be examined for screwworm by a veterinarian within 24 hours after arrival at a port designated in § 93.303. The examining veterinarian must examine horses, including their external genitalia, to determine whether the horse is infested with screwworm.

(vii) Horses must be held at the animal import center for a minimum of

7 days. On day 7, prior to the horses' release, the horses must be examined by a veterinarian at the expense of the owner or broker. For this examination, male horses must be tranquilized or sedated so that the external genitalia of the horses can be thoroughly examined. If screwworm is found during this examination, the horses must be held in quarantine and treated until free of infestation.

* * * * *

[11] Protocols for testing equines in import quarantine are available on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/importexport/animal-import-and-export/equine/guidelines-docs-related-to-importing-equine.*

■ 8. Section 93.314 is amended as follows:

■ a. By revising paragraphs (a) introductory text and (a)(1);

■ b. By redesignating paragraphs (a)(4) and (5) as paragraphs (a)(6) and (7), respectively, and adding new paragraphs (a)(4) and (5);

■ c. By revising newly redesignated paragraph (a)(7)(i); and

■ d. By adding paragraph (d).

The revisions and additions read as follows:

**§ 93.314 Horses, certification, and accompanying equipment.**

(a) Horses offered for importation from any part of the world shall be accompanied by an original certificate endorsed by a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so. The certificate shall specify the name and address of the importer; the species, breed, number or quantity of horses or horse test specimens to be imported; the purpose of the importation; individual horse identification which requires a description of the horse, name, age, markings and, when present, registration number, tattoo, microchip, eartag, brand, if any; the region and premises of origin; the name and address of the exporter; and the destination address for release into the United States; and shows that:

(1) The horses described in the certificate have been in said region during the 60 days preceding exportation, or, for horses described in § 93.301(g), for the duration of their temporary exportation to each CEM-affected region;

* * * * *

(4) The horse, if applicable, has not been gelded during the 14 days preceding exportation. If gelded, the horse is accompanied by certificate of castration including date of completion and removal of both testicles;

(5) The horse will be accompanied by documentation of pre-export examination occurring within 48 hours of export endorsed by a salaried veterinary medical officer;

* * * * *

(7) * * *

(i) The horses, except horses described in § 93.301(f), have not been in any region listed in accordance with § 93.301(c)(1) on the APHIS website as affected with CEM during the 12 months immediately prior to their importation into the United States;

* * * * *

(d) For purposes of this section, the term ''original'' means documentation is prepared and issued directly from the national government of the region of origin or annotated by the national government of the region of origin to indicate how the documentation may be verified. Any declaration, permit, or other required document for horses may be issued and presented using a United States Government electronic information exchange system or other method authorized by APHIS.

■ 9. Section 93.317 is amended as follows:

■ a. By revising paragraph (a);

■ b. In paragraph (b), by removing the words '', without USDA veterinary port inspection,'' after the words ''30-day-period''; and

■ c. By redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c).

The revision and addition read as follows:

**§ 93.317 Horses from Canada.**

(a) Except as provided in paragraph (d) of this section, horses from Canada shall be accompanied by a certificate as required by § 93.314, which shall include evidence of a negative test for equine infectious anemia for which blood samples were drawn during the 180 days preceding exportation to the United States and which test was conducted in a laboratory approved by the Canada Department of Agriculture or the United States Department of Agriculture. Horses accompanying their dams, which were foaled after their dam was so tested negative, need not be so tested and shall otherwise be handled as provided in § 93.314. Certificates required for horses from Canada must be issued and endorsed by a salaried veterinarian of the Canadian Government.

* * * * *

(c) Any horse imported into the United States from Canada through air or ocean ports of entry must obtain an import permit under § 93.304 and shall otherwise be handled as provided in §§ 93.305 and 93.314.

* * * * *

**§ 93.318 [Amended]**

■ 10. In § 93.318, paragraph (b) is amended by removing the words '': And, provided further, That all horses offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of pests or diseases of livestock and exposure thereto and are determined to be the identical horses covered by said certificates or are the natural increase of such horses born after official test dates certified on the dam's health certificate'' after the words ''offered for return to the United States''.

■ 11. Section 93.319 is revised to read as follows:

**§ 93.319 Import permit and declaration for horses.**

For all horses offered for importation from or transiting through regions of Central America or of the West Indies, the importer or his or her agent shall have obtained an import permit under § 93.304 and shall present two copies of a declaration as provided in § 93.305.

**§ 93.320 [Amended]**

■ 12. Section 93.320 is amended by adding the words ''or transiting through'' after the word ''from''.

■ 13. Section 93.321 is amended by adding a sentence after the last sentence to read as follows:

**§ 93.321 Import permits and applications for inspection for horses.**

* * * Horses quarantined at a U.S. facility designated in § 93.303 must obtain an import permit under § 93.304.

■ 14. Section 93.324 is amended by revising footnote 19 to read as follows:

**§ 93.324 Detention for quarantine.**

* * * * *

[19] Protocols for testing equines in import quarantine are available on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/importexport/animal-import-and-export/equine/guidelines-docs-related-to-importing-equine.*

Done in Washington, DC, this 18th day of November 2021.

**Jack Shere,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2021–25613 Filed 11–26–21; 8:45 am]

**BILLING CODE 3410–34–P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

**[NRC–2020–0036]**

**RIN 3150–AK71**

## Reporting Requirements for Nonemergency Events at Nuclear Power Plants

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss a rulemaking activity related to reporting requirements for nonemergency events at nuclear power plants. The purpose of the meeting is to provide background and status information on the rulemaking and to obtain stakeholder input to enhance the NRC's understanding of the associated issues.

**DATES:** The public meeting will be held on December 9, 2021. See Section II, Public Meeting, of this document for more information on the meeting.

**ADDRESSES:** Please refer to Docket ID NRC–2020–0036 when contacting the NRC about the availability of information regarding this public meeting. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0036. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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 reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's Public Document Room (PDR), Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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:** George Tartal, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0016, email: *George.Tartal@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

On August 12, 2021, the NRC published a document in the **Federal Register** informing the public that it will consider in the rulemaking process the issues raised in a petition for rulemaking regarding reporting requirements for nonemergency events at nuclear power plants (86 FR 44290). The NRC is in the early stages of developing a regulatory basis document that will analyze the regulatory issues, alternatives to resolve those issues, and the NRC staff's recommended alternative. The NRC will consider the information shared at the meeting in the development of the regulatory basis document.

### II. Public Meeting

The public meeting will be held on December 9, 2021, from 2:00 p.m. to 4:00 p.m. (ET). Interested stakeholders may attend via telephone or online seminar. The purpose of the meeting is to provide background and status information on this rulemaking activity and to obtain stakeholder input to enhance the NRC's understanding of the associated issues. The NRC will not provide formal written responses to the oral comments made at this meeting.

Information for the teleconference and online seminar is available in the meeting notice, which can be accessed through the NRC's public website at: *https://www.nrc.gov/pmns/mtg* or in ADAMS under Accession Number ML21323A177.

If you would like to make a presentation during this meeting, please call or email the meeting contact prior to the meeting.

Dated: November 23, 2021.

For the Nuclear Regulatory Commission.

**John R. Tappert,**

*Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguard.*

[FR Doc. 2021–25928 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2021–1016; Project Identifier AD–2021–00625–E]**

**RIN 2120–AA64**

## Airworthiness Directives; General Electric Company Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all General Electric Company (GE) Passport 20–17BB1A, Passport 20–18BB1A, and Passport 20–19BB1A model turbofan engines. This proposed AD was prompted by a report of a manufacturing quality escape that requires a reduction to the life limit of certain high-pressure turbine (HPT) rotor stage 1 disks. This proposed AD would require revising the Airworthiness Limitations section (ALS) of the GE Passport 20 Line Maintenance Manual and the operator's existing approved continuous airworthiness maintenance program (CAMP) to incorporate a reduced life limit for certain HPT rotor stage 1 disks. 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 January 13, 2022.

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

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

For service information identified in this NPRM, contact General Electric

Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com;* website: *www.ge.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

**Examining the AD Docket**

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1016; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Scott Stevenson, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7132; fax: (781) 238–7199; email: *Scott.M.Stevenson@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–1016; Project Identifier AD–2021–00625–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

**Confidential Business Information**

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

**Background**

The FAA received a report from GE of a manufacturing quality escape that identified a certain population of HPT rotor stage 1 disks that did not meet the design specification. GE determined that machining and inspection of the affected HPT rotor stage 1 disks was inconsistent with the engineering drawing. Further analysis by GE determined that the nonconformance at the forward and aft hooks of the HPT rotor stage 1 disks may cause the disks to fail prematurely and, therefore, the life limit of the affected HPT rotor stage 1 disks require reduction. As a result, GE decreased the life limit of the affected HPT rotor stage 1 disks. This condition, if not addressed, could result in uncontained disk release, damage to the engine, and damage to the airplane.

**FAA's Determination**

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

**Related Service Information**

The FAA reviewed GE Service Bulletin PASSPORT20–A–72–00–0116–00A–930A–D, Issue 002, dated July 22, 2021. This service information describes procedures for removing a certain population of HPT rotor stage 1 disks from service and provides serial numbers of the affected HPT rotor stage 1 disks.

**Proposed AD Requirements in This NPRM**

This proposed AD would require revising the ALS of the GE Passport 20 Line Maintenance Manual, GEK 112062, and the operator's existing approved CAMP to incorporate a reduced life limit for certain HPT rotor stage 1 disks.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 78 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Revise the ALS of the Line Maintenance Manual and the operator's existing approved CAMP. | 1 work-hour × $85 per hour = $85 .. | $0 | $85 | $6,630 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order

13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**General Electric Company:** Docket No. FAA–2021–1016; Project Identifier AD–2021–00625–E.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by January 13, 2022.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to General Electric Company (GE) Passport 20–17BB1A, Passport 20–18BB1A, and Passport 20–19BB1A model turbofan engines.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by a manufacturing quality escape that requires a reduction to the life limit for certain HPT rotor stage 1 disks. The FAA is issuing this AD to prevent failure of the HPT rotor stage 1 disk. The unsafe condition, if not addressed, could result in uncontained disk release, damage to the engine, and damage to the airplane.

**(f) Compliance**

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

**(g) Required Action**

Within 120 days after the effective date of this AD, revise the airworthiness limitations section of the existing maintenance manual for your engine and the operator's existing approved continuous airworthiness maintenance program by adding Figure 1 to paragraph (g) of this AD.

**Figure 1 to Paragraph (g) – Passport 20-17BB1A, Passport 20-18BB1A, and Passport 20-19BB1A Model Turbofan Engines and Life Limits**

| Part Name | Part Number | Affected Population by Serial Number | Life Cycles for Passport 20-17BB1A | Life Cycles for Passport 20-18BB1A | Life Cycles for Passport 20-19BB1A |
|---|---|---|---|---|---|
| HPT Rotor Stage 1 Disk | 2471M11P02 | GE SB 72-0116, Table 1 | 3,800 | 3,800 | 3,800 |

**Note 1 to paragraph (g):** Where Figure 1 to paragraph (g) refers to ''Life Cycles,'' for the purpose of this AD, this refers to life cycles since new.

**(h) Alternative Methods of Compliance (AMOCs)**

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

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

**(i) Related Information**

(1) For more information about this AD, contact Scott Stevenson, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7132; fax: (781) 238–7199; email: *Scott.M.Stevenson@faa.gov.*

(2) For service information identified in this AD, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: *aviation.fleetsupport@ge.com;* website: *www.ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on November 22, 2021.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2021–25870 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2021–0922; Airspace Docket No. 21–AEA–30]**

**RIN 2120–AA66**

## Proposed Amendment of Class D and Class E Airspace; Philadelphia, PA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface in the Philadelphia, PA area, by updating the several airport names and geographic coordinates. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Comments must be received on or before January 13, 2022.

**ADDRESSES:** Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0922; Airspace Docket No. 21–AEA–30 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 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:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone (404) 305–6364.

**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 airspace in Philadelphia, PA, to support IFR operations in the area.

### Comments Invited

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

Communications should identify both docket numbers (Docket No. FAA–2021–0922 and Airspace Docket No. 21–AEA–30) and be submitted in triplicate to DOT Docket Operations (see ''**ADDRESSES**'' section for the address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2021–0922; Airspace Docket No. 21–AEA–30.'' The postcard will be date/time stamped and returned to the commenter.

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

### Availability of NPRMs

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

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

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 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 proposes an amendment to 14 CFR part 71 to amend Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at the following airports:

Philadelphia International Airport, by updating the geographic coordinates to coincide with the FAA's database;

New Castle Airport (formerly New Castle County Airport) by updating the airport name and replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the airport description;

Summit Airport (formerly Summit Airpark) by updating the airport name and geographic coordinates to coincide with the FAA's database;

Also, the Class E surface airspace for Millville Municipal Airport would be amended by updating the airport geographic coordinates to coincide with the FAA's database.

Controlled airspace is necessary for the safety and management of

instrument flight rules (IFR) operations in the area.

Class D and E airspace designations are published in Paragraphs 5000, 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 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 proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

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

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 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.*

* * * * *

**AEA DE D Wilmington, DE [Amended]**

New Castle Airport, DE
(Lat. 39°40′43″ N, long. 75°36′24″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of the New Castle Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6002 Class E Surface Airspace.*

* * * * *

**AEA DE E2 Wilmington, DE [Amended]**

New Castle Airport, DE
(Lat. 39°40′43″ N, long. 75°36′24″ W)

Within a 4.2-mile radius of the New Castle Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

**AEA NJ E2 Millville, NJ [Amended]**

Millville Municipal Airport, NJ
(Lat. 39°22′04″ N, long. 75°04′20″ W)

That airspace extending upward from the surface within a 4-mile radius of the Millville Municipal Airport.

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

* * * * *

**AEA PA E5 Philadelphia, PA [Amended]**

Philadelphia International Airport, PA
(Lat. 39°52′20″ N, long. 75°14′26″ W)
Chester County G.O. Carlson Airport, PA
(Lat. 39°58′44″ N, long. 75°51′56″ W)
New Castle Airport, DE
(Lat. 39°40′43″ N, long. 75°36′24″ W)
Summit Airport, DE
(Lat. 39°31′16″ N, long. 75°43′25″ W)
Millville Municipal Airport, NJ
(Lat. 39°22′04″ N, long. 75°04′20″ W)

That airspace extending upward from 700 feet above the surface within a 31-mile radius of Philadelphia International Airport extending clockwise from a 225° bearing to a 307° bearing from the airport and within a 37-mile radius of Philadelphia International Airport extending from a 307° bearing to a 053° bearing from the airport and within a 33-mile radius of Philadelphia International Airport extending from a 053° bearing to a 173° bearing from the airport and within a 16-mile radius of Philadelphia International Airport extending from a 173° bearing from the airport to a 225° bearing from the airport, and within a 7-mile radius of Chester County G.O. Carlson Airport, and within a 6.7-mile radius of New Castle Airport, and within an 8-mile radius of Summit Airport and within a 6.5-mile radius of Millville Municipal Airport, excluding the airspace that coincides with the Elkton, MD; Wrightstown, NJ; Pittstown, NJ; Reading, PA; and Allentown, PA Class E airspace areas.

Issued in College Park, Georgia, on November 18, 2021.

**Andreese C. Davis,**

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

[FR Doc. 2021–25631 Filed 11–26–21; 8:45 am]

BILLING CODE 4910–13–P

# Notices

Federal Register
Vol. 86, No. 226
Monday, November 29, 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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

**AGENCY:** Administrative Conference of the United States.

**ACTION:** Notice.

**SUMMARY:** The Assembly of the Administrative Conference of the United States will meet during a one-day virtual plenary session to consider proposed recommendations and to conduct other business. Written comments may be submitted in advance, and the meeting will be accessible to the public.

**DATES:** The meeting will take place on Thursday, December 16, 2021, from 9:30 a.m.–5:30 p.m. The meeting may adjourn early if all business is finished.

**ADDRESSES:** To facilitate participation during the ongoing COVID–19 pandemic, the meeting will be conducted virtually. Information on how to access the meeting will be available on the agency's website prior to the meeting at *https://www.acus.gov/meetings-and-events/event/76th-plenary-session.*

**FOR FURTHER INFORMATION CONTACT:** Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2080; email *smcgibbon@acus.gov.*

**SUPPLEMENTARY INFORMATION:** The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595). For further information about the Conference and its activities, please visit *www.acus.gov.*

*Agenda:* The Assembly will receive updates on past, current, and pending Conference initiatives. In addition, pending final action by the Conference's the Council, five proposed recommendations will be considered. Summaries of the recommendations appear below:

*Public Access to Agency Adjudicative Proceedings.* This proposed recommendation identifies best practices regarding when and how federal agencies provide public access to adjudicative proceedings.Within the legal framework established by federal law, it identifies factors agencies should consider when determining whether to open or close particular proceedings. It also offers best practices to promote public access to proceedings that agencies open to the public and recommends that agencies make the policies governing public access readily available.

*Public Availability of Inoperative Agency Guidance Documents.* This proposed recommendation identifies for agencies best practices for maintaining public access to agency guidance documents that are no longer in effect—that is, inoperative guidance documents. It addresses factors agencies should consider in deciding whether to include certain types of inoperative guidance documents on their websites; steps agencies can take to make it easier for members of the public to find the inoperative guidance documents in which they are interested; and what labels and explanations agencies should use to ensure that the public can readily understand the context and significance of particular inoperative guidance documents.

*Quality Assurance Systems in Agency Adjudication.* This proposed recommendation identifies best practices for agencies when devising and implementing systems to assess and improve the quality of decisions in adjudicative programs. It emphasizes cutting-edge techniques (including artificial intelligence) to structure the capture and analysis of data; the selection, role, and institutional placement of personnel; the use of performance metrics; efforts to ensure fairness, impartiality, efficiency, and other important institutional objectives; and the relationship between quality-assurance review and conventional appellate review.

*Regulation of Representatives in Agency Proceedings.* This proposed recommendation recommends that agencies consider adopting rules governing attorney and non-attorney representatives in adjudicative proceedings in order to promote the accessibility, fairness, integrity, and efficiency of those proceedings. It provides guidance on the topics that rules might cover and recommends that agencies consider whether greater harmonization of different bodies of rules is desirable and ensure that their rules are readily accessible to representatives and the public.

*Technical Reform of the Congressional Review Act.* This proposed recommendation offers technical reforms of the Congressional Review Act (CRA) that clarify certain procedural aspects of the CRA while reducing administrative burdens on executive-branch agencies and congressional offices. Specifically, the proposed recommendation suggests phasing out the requirement that agencies submit paper copies of certain rulemaking materials to Congress in favor of an electronic process; making it easier to ascertain key dates and time periods relevant to review of agency rules under the CRA; and formalizing a procedure by which Members of Congress can initiate congressional review of rules that agencies conclude are not covered by the CRA.

Additional information about the proposals and the agenda, as well as any changes or updates to the same, can be found at the 76th Plenary Session page on the Conference's website prior to the start of the meeting: *https://www.acus.gov/meetings-and-events/event/76th-plenary-session.*

*Public Participation:* The Conference welcomes the virtual attendance of the public at the meeting, subject to bandwidth limitations. Members of the public who wish to view the meeting are asked to RSVP online at the 76th Plenary Session web page shown above, no later than two days before the meeting, in order to ensure adequate bandwidth. For anyone who is unable to view the live event, an archived video recording of the meeting will be available on the Conference's website

shortly after the conclusion of the event: *https://youtube.com/channel/UC1Gu44Jq1U7XsGdC9Tfl_zA.*

*Written Comments:* Persons who wish to comment on any of the proposed recommendations or official statement may do so by submitting a written statement either online by clicking ''Submit a comment'' on the 76th Plenary Session web page shown above or by mail addressed to: December 2021 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. Written submissions must be received no later than 10:00 a.m. (EDT), Friday, December 10, 2021, to ensure consideration by the Assembly.

*Authority:* 5. U.S.C. 595.

Dated: November 23, 2021.

**Shawne McGibbon,**

*General Counsel.*

[FR Doc. 2021–25951 Filed 11–26–21; 8:45 am]

**BILLING CODE 6110–01–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2020–0019]**

### Privacy Act of 1974; System of Records

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974 and Office of Management and Budget Circular No. A–108, the U.S. Department of Agriculture (USDA) gives notice that a component agency, the Animal and Plant Health Inspection Service (APHIS), proposes to modify an existing system of records notice titled LabWare Laboratory Information Management System (LabWare LIMS), USDA/APHIS–19. Among other changes, the system will be renamed National Veterinary Services Laboratories' Laboratory Information Management System (NVSL–LIMS), USDA/APHIS–19. NVSL–LIMS is a laboratory information system that tracks and saves test results on animal diagnostic samples received at the National Veterinary Services Laboratories.

**DATES:** In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day notice and comment period in which to comment on the routine uses described below. Please submit any comments by December 29, 2021.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2020–0019 in the Search field. Select the Documents tab, then select the comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0019, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact Dr. Suelee Robbe-Austerman, Director, National Veterinary Services Laboratories, 1920 Dayton Ave., Ames, IA 50010; (515) 337–7301; email: *Suelee.Robbe-Austerman@usda.gov.* For Privacy Act questions concerning this system of records notice, please contact Ms. Tonya Woods, Director, Freedom of Information Act and Privacy Act Staff, 4700 River Road, Unit 50, Riverdale, MD 20737; (301) 851–4076. For USDA Privacy Act questions, please contact the USDA Chief Privacy Officer, Information Security Center, Office of Chief Information Officer, USDA, Jamie L. Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250; email: *USDAPrivacy@usda.gov.*

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is modifying an existing system of records notice, LabWare Laboratory Information Management System (LabWare LIMS), USDA/APHIS–19, which was last published in its entirety in the **Federal Register** on October 1, 2013 (78 FR 60245–60248, Docket No. APHIS–2012–0039).[1] APHIS is modifying the system of records notice to rename the system as ''National Veterinary Services Laboratories' Laboratory Information Management System (NVSL–LIMS).'' (Note that references to the system may appear as LIMS, Veterinary Services (VS) LIMS, or NVSL–LIMS.) APHIS is also expanding the system to include records of activities conducted by regulated entities and the agency pursuant to those activities authorized by the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) and the regulations issued thereunder.

APHIS is making the following changes to the system of records notice:

- Updating the system location;
- Updating the purposes of the system;
- Expanding the categories of individuals to include any approved non-USDA veterinarian coordinating with USDA to protect animal health. This includes, but is not limited to State, Tribal, and local government veterinarians. We are also specifying the USDA employees who enter data as those who are NVSL employees;
- Expanding the categories of records to include reference to USDA employees in addition to NVSL employees; identification of sample collector; specific information identifying the animal being tested; relevant dates (dates of collection, testing, submission, etc.); tracking of agents, toxins or reagents); and other information as required depending on the tests being conducted and sample source(s). For instance, tuberculosis sample information will include the names of the food inspector, veterinarian, and market buyer; the market buyer's address, city, State, Zip code, and country; the lot number and number in the lot; number of lesions; and slaughter date;
- Updating the policies and practices for storage, retrievability, and retention and disposal of records in the system;
- Updating the system safeguards;
- Updating the notification, record access, and contesting record procedures;
- Revising, deleting, redesignating, and establishing routine uses as follows:
  - Revising current routine use 1 for clarity;
  - Revising current routine use 2. The changes are editorial and intended to more accurately describe the referral of records to appropriate law enforcement agencies, entities, and persons;
  - Revising current routine use 3. The changes are editorial and conforming changes;
  - Revising current routine use 4. The changes are editorial and intended to more accurately describe the disclosure of records to a court or adjudicative body;
  - Revising current routine use 5 for disclosure to appropriate agencies,

[1] To view the notice, go to *www.regulations.gov* and enter APHIS–2012–0039 in the Search field.

entities and persons of information necessary to respond to a suspected or confirmed breach of the system of records in accordance with Office of Management and Budget (OMB) Memorandum M–17–12, Preparing for and Responding to a Breach of Personally Identifiable Information (January 3, 2017);

○ Redesignating current routine use 6 as routine use 9, and revising to more accurately reflect where record management inspections may occur;

○ Establishing a new routine use 6 for disclosure to another Federal agency or entity of information reasonably necessary to assist in responding to a suspected or confirmed breach or to prevent, minimize, or remedy harm, in accordance with OMB Memorandum M–17–12 (Preparing for and Responding to a Breach of Personally Identifiable Information);

○ Establishing a new routine use 7 for disclosure to contractors and other parties assisting in administering the program, analyzing data, information management systems, Freedom of Information Act requests, and audits to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity; and

○ Establishing a new routine use 8 to describe disclosure to a Congressional office in response to an inquiry made to that Congressional office at the written request of the individual to whom the record pertains.

A report on the modified system of records, required by 5 U.S.C. 552a(r), as implemented by OMB Circular A–108 was sent to the Chairman, Committee on Homeland Security and Governmental Affairs, United States Senate; the Chairwoman, Committee on Oversight and Reform, House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, OMB.

Done in Washington, DC, this 22nd day of November 2021.

**Jack Shere,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

**SYSTEM NAME AND NUMBER:**

National Veterinary Services Laboratories' Laboratory Information Management System (USDA/APHIS–19).

**SECURITY CLASSIFICATION:**

Sensitive but unclassified.

**SYSTEM LOCATION:**

Records are maintained at National Veterinary Services Laboratories (NVSL) on U.S. Department of Agriculture (USDA)-owned servers physically located in the secure USDA-owned facility, National Centers for Animal Health, 1920 Dayton Avenue, Ames, IA 50010. Paper records are maintained by USDA's National Veterinary Services Laboratories, 1920 Dayton Avenue, Ames, IA 50010, and Plum Island, NY.

**SYSTEM MANAGER:**

Director, National Veterinary Services Laboratories, 1920 Dayton Avenue, Ames, IA 50010.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Animal Health Protection Act (7 U.S.C. 8301 *et seq.*).

**PURPOSES OF THE SYSTEM:**

NVSL–LIMS is used to collect, track, and store test results on animal diagnostic samples received at NVSL pursuant to its mission and responsibilities authorized by the Animal Health Protection Act. The system will also allow for NVSL to provide quality management and complaint resolution for those test results that may contain errors or do not satisfy the customer. (Note that references to the system may appear as LIMS, Veterinary Services (VS) LIMS, or NVSL–LIMS.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals included in this system include entities such as sample submitters, animal owners, NVSL or USDA personnel who handle the submission, and any approved non-USDA veterinarians coordinating with USDA to protect animal health. This includes, but is not limited to State, Tribal, and local government veterinarians.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system include, but are not limited to, the sample submitter name, address, email address, telephone number, and mailing address; animal owner name, address, city, State or country, and Zip code, along with location and number of animals, herd or flock size (including affected or dead); National Finance Center account number used to pay for sample processing; last four digits of credit card account number with expiration date used to pay for sample processing; check number used to pay for sample processing; and contact information for the NVSL/USDA employee who tested a sample or reviewed a test (name, job title, email, telephone number, organizational group to which the employee belongs, and supervisor). Information about slaughter establishments will include, but is not limited to, the establishment identification, name, address, city, State or country, Zip code, email address, and telephone/fax numbers. Records will also include details concerning diagnostic test information such as disease, relevant dates, tests requested, identification of sample collector, tracking (agents, toxins or reagents), and specific information identifying the animal being tested, and other information as required depending on the tests being conducted and sample source(s). For instance, tuberculosis sample information will include such items as, but not limited to, the names of the food inspector, veterinarian, and market buyer; the market buyer's address, city, State, Zip code, and country; the lot number, number in the lot, number of lesions, and slaughter date.

**RECORD SOURCE CATEGORIES:**

The sources of information in the system are from submission forms that accompany laboratory specimens sent to the laboratory for diagnostic testing. NVSL receives submissions from various entities such as, but not limited to, State and private veterinary diagnostic laboratories as well as private veterinary practitioners, Federal meat inspectors, and Federal field veterinarians. In addition, NVSL receives laboratory samples from other countries associated with importations and for cases where diagnostic assistance is requested.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, records contained in the system may be disclosed outside USDA as a routine use under 5 U.S.C. 552a(b)(3), to the extent that such uses are compatible with the purposes for which the information was collected. Such permitted routine uses include the following:

(1) To the submitting veterinarian and government (State, Tribal, local, etc.) animal health officials of the submitter, owner, and animal location to provide test results;

(2) When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program, statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, Tribal, local, or other

public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity;

(3) To the Department of Justice when: (a) USDA or any component thereof; or (b) any employee of USDA in his or her official capacity, where the Department of Justice has agreed to represent the employee; or (c) the United States Government, is a party to litigation or has an interest in such litigation, and USDA determines that the records are relevant and necessary to the litigation and the use of such records by the Department of Justice is for a purpose that is compatible with the purpose for which USDA collected the records;

(4) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when USDA or other Agency representing USDA determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding;

(5) To appropriate agencies, entities, and persons when: (a) USDA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) USDA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, USDA (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USDA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the agency (including its information systems, programs, and operations), the Federal Government, or national security;

(7) To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the USDA, when necessary to accomplish an agency function related to this system of records;

(8) To a Congressional office in response to an inquiry from that Congressional office made at the written request of the individual about whom the record pertains; and

(9) To the National Archives and Records Administration (NARA) or other Federal Government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The system includes a database and paper records. The master electronic data is stored and maintained on USDA servers located in a secure USDA facility. Paper records, consisting of the submission forms for diagnostic samples, are stored in lockable cabinets or lockable areas within the laboratory spaces or administrative offices in a secure USDA facility.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Data may be retrieved by an accession number, which is a system generated unique identification number; by a sample number assigned by the sample submitter; NFC account number; or by searching LIMS for data contained in the submission such as a submitter's name.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records will be retained indefinitely pending approval of a records retention schedule by NARA. Under the schedule submitted for NARA approval, paper records would be retained for a minimum of 3 years, data would be maintained in the system for 25 years and would be archived at 5-year intervals.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable USDA automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is 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. Access to certain portions of the system requires certain levels of authorization through USDA eAuthentication, which is a system that enables individuals to obtain user-identification accounts with password-protected access to certain USDA Web-based applications and services through the internet. APHIS personnel who input data must have a high-level eAuthentication account. Users are trained and are required to formally confirm that they understand value and sensitivity of data in the system, and users receive formal system training and are required to pass a proficiency test before being given access to the system. Persons who are not USDA employees have a lower level eAuthentication account and will only have access to their own records to input certain information.

**RECORD ACCESS PROCEDURES:**

All requests for access to records must be in writing and should be submitted to the APHIS Privacy Act Officer, 4700 River Road, Unit 50, Riverdale, MD 20737; or by facsimile (301) 734–5941; or by email: *APHISPrivacy@usda.gov.* In accordance with 7 CFR 1.112 (Procedures for requests pertaining to individual records in a record system), the request must include the full name of the individual making the request; the name of the system of records; and preference of inspection, in person or by mail. In accordance with 7 CFR 1.113, prior to inspection of the records, the requester shall present sufficient identification (*e.g.,* driver's license, employee identification card, Social Security card, credit cards) to establish that the requester is the individual to whom the records pertain. In addition, if an individual submitting a request for access wishes to be supplied with copies of the records by mail, the requester must include with his or her request sufficient data for the agency to verify the requester's identity.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking to contest or amend records maintained in this system of records must direct their request to the address indicated above in the ''RECORD ACCESS PROCEDURES'' paragraph and must follow the procedures set forth in 7 CFR 1.116 (Request for correction or amendment to record). All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record.

**NOTIFICATION PROCEDURES:**

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the ''RECORD ACCESS PROCEDURES'' paragraph above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

On October 1, 2013, (78 FR 60245–60248, Docket No. APHIS–2012–0039), USDA/APHIS–19, ''LabWare Laboratory Information Management System (LabWare LIMS),'' was published as a new system of records and effective on November 12, 2013.

[FR Doc. 2021–25859 Filed 11–26–21; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Directive Publication Notice

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** The Forest Service, U.S. Department of Agriculture, provides direction to employees through issuances in its Directive System, comprised of the Forest Service Manual and Forest Service Handbooks. The Agency must provide public notice of and opportunity to comment on any directives that formulate standards, criteria, or guidelines applicable to Forest Service programs. Once per quarter, the Agency provides advance notice of proposed and interim directives that will be made available for public comment during the next three months and notice of final directives issued in the last three months. No directives are planned for publication for public comment between October 1, 2021, and December 31, 2021. No proposed or interim directives that were previously published for public comment have been issued since July 1, 2021.

**DATES:** This notice identifies proposed and interim directives that were published for public comment but not yet finalized and issued, and final directives that have been issued since July 1, 2021.

**ADDRESSES:** Questions or comments may be provided by email to *SM.FS.Directives@usda.gov* or in writing to 201 14th Street SW, Washington, DC 20250, Attn: Directives and Regulations staff, Mailstop 1132.

**FOR FURTHER INFORMATION CONTACT:** Hector Ortiz at 703–236–2617 or *hector.ortiz@usda.gov.*

Individuals who use telecommunications devices for the deaf/hard-of-hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

You may sign up to receive email alerts at *https://www.fs.usda.gov/about-agency/regulations-policies.*

**SUPPLEMENTARY INFORMATION:**

#### Proposed or Interim Directives

Consistent with 16 U.S.C. 1612(a) and 36 CFR part 216, Public Notice and Comment for Standards, Criteria and Guidance Applicable to Forest Service Programs, the Forest Service publishes for public notice and comment Agency directives that formulate standards, criteria, or guidelines applicable to Forest Service programs. Agency procedures for providing public notice and opportunity to comment are specified in Forest Service Handbook (FSH) 1109.12, Chapter 30, Providing Public Notice and Opportunity to Comment on Directives.

The Forest Service has no proposed or interim directives planned for publication for public comment from October 1, 2021 to December 31, 2021.

#### Previously Published Directives That Have Not Been Finalized

The following proposed or interim directives have been published for public comment but not yet finalized:

1. Proposed Forest Service Manual (FSM) 2200, Rangeland Management, Chapters Zero Code; 2210, Rangeland Management Planning; 2220, Management of Rangelands (Reserved); 2230, Grazing Permit System; 2240, Rangeland Improvements; 2250, Rangeland Management Cooperation; and 2270, Information Management and Reports; Forest Service Handbook 2209.13, Grazing Permit Administration Handbook, Chapters 10, Term Grazing Permits; 20, Grazing Agreements; 30, Temporary Grazing and Livestock Use Permits; 40, Livestock Use Permits; 50, Tribal Treaty Authorizations and Special Use Permits; 60, Records; 70, Compensation for Permittee Interests in Rangeland Improvements; 80, Grazing Fees; and 90, Rangeland Management Decision Making; and Forest Service Handbook 2209.16, Allotment Management Handbook, Chapter 10, Allotment Management and Administration.

2. Interim Forest Service Manual 2719, Special Use Authorizations Involving Storage and Use of Explosives and Magazine Security, and Forest Service Handbook 2709.11, Special Uses Handbook, Chapter 50, Standard Forms and Supplemental Clauses.

3. Forest Service Manual 7700, Travel Management, Chapters Zero and 10, Travel Planning.

4. Forest Service Manual 2400, Timber Management, Chapters Zero, 2430, Commercial Timber Sales; 2440, Designating, Cruising, Scaling, and Accountability; 2450, Timber Sale Contract Administration; and 2460, Uses of Timber Other Than Commercial Timber Sales; Forest Service Handbook 2409.15, Timber Sale Administration, Chapters Zero, 10, Fundamentals of Timber Sale Contracting; 30, Change in Status of Contracts; 50, Specified Transportation Facilities; and 70, Contract Claims and Disputes; Forest Service Handbook 2409.18a, Timber Sale Debarment and Suspension Procedures, Chapters Zero, 10, Non-procurement Debarment and Suspension; and 20, Debarment and Export Violations.

5. Forest Service Manual 3800, Landscape Scale Restoration Program.

6. Forest Service Manual 2700, Special Uses Management, Chapter 40, Vegetation Management Pilot Projects, and Forest Service Handbook 2709.11, Special Uses Handbook, Chapter 50, Standard Forms and Supplemental Clauses.

7. Forest Service Handbook 2709.11, Special Uses Handbook, Chapter 80, Operating Plans and Agreements for Powerline Facilities.

8. Forest Service Manual 2400, Timber Management, Chapter 2420, Timber Appraisal; Forest Service Handbook 2409.19, Renewable Resources Handbook, Chapters 10, Knutson-Vandenberg Sale Area Program Management Handbook; 20, Knutson-Vandenberg Forest and Regional Program Management; 60, Stewardship Contracting; and 80, Good Neighbor Authority.

9. Forest Service Manual 1820, Public Lands Corps and Resource Assistants Program.

10. Forest Service Handbook 5509.11, Chapter 20, Section 21, Small Tracts Act Adjustments.

11. Region 10 Supplement to Forest Service Manual 2720, Special Uses; Management of Point-To-Point Transport Under Special Use Authorization to National Forest System Lands within the Visitor Center Subunit of Mendenhall Glacier Recreation Area.

#### Directives That Have Been Issued Since July 1, 2021

No proposed or interim directives that were previously published for public comment have been issued since July 1, 2021.

Dated: November 23, 2021.

**Hector Ortiz,**

*Branch Chief (Acting), Directives and Regulations.*

[FR Doc. 2021–25888 Filed 11–26–21; 8:45 am]

**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

### Notice of Intent To Extend and Revise a Currently Approved Information Collection

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request a new information collection titled *Small Business Innovation Research (SBIR) Program Lifecycle Certification. This information collection replaces an existing information collection, Small Business Innovation Research (SBIR) Program Lifecycle Certification.*

**DATES:** Written comments on this notice must be received by January 28, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** You may submit comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

*Instructions:* All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Robert Martin, 202–445–5388, *Robert.martin3@usda.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Small Business Innovation Research (SBIR) Program Lifecycle Certification.

*OMB Control Number:* 4040–001.

*Expiration Date of Current Approval:* 12/31/2022.

*Type of Request:* Notice of intent to extend and revise a currently approved information collection. The burden for this collection remains unchanged.

NIFA is requesting a one-year extension for the current collection entitled ''Small Business Innovation Research (SBIR) Program Lifecycle Certification.''

NIFA asks recipients of SBIR grants to submit the Lifecycle Certification form as part of their required interim and final reports. NIFA is also proposing updates to the existing Certification form to match the language provided for this form in the 2020 ''SBA SBIR/STTR Policy Directive,'' October 1, 2020. These changes are in response to the recommendation by the Government Accountability Office (GAO) in its SBIR Fraud Waste and Abuse Review, completed on June 30, 2021.

*Abstract:* The SBIR program at the U.S. Department of Agriculture (USDA) makes competitively awarded grants to qualified small businesses to support high quality, advanced concepts research related to important scientific problems and opportunities in agriculture that could lead to significant public benefit if successful.

The objectives of the SBIR Program are to: Stimulate technological innovations in the private sector; strengthen the role of small businesses in meeting Federal research and development needs; increase private sector commercialization of innovations derived from USDA-supported research and development efforts; and foster and encourage participation by women-owned and socially and economically disadvantaged small business firms in technological innovations. The USDA SBIR program is carried out in three separate phases:

1. Phase I awards to determine, insofar as possible, the scientific and technical merit and feasibility of ideas that appear to have commercial potential.

2. Phase II awards to further develop work from Phase I that meets particular program needs and exhibits potential for commercial application.

3. Phase III awards where commercial applications of SBIR- funded R(Research)/R&D (Research and Development) are funded by non-Federal sources of capital; or where products, services or further research intended for use by the Federal Government are funded by follow-on non-SBIR Federal Funding Agreements. The USDA SBIR Program is administered by the National Institute of Food and Agriculture (NIFA) of the USDA. NIFA exercises overall oversight for the policies and procedures governing SBIR grants awarded to the U.S. small business community, representing approximately 2.5% to 2.8% of the USDA extramural R/R&D budget. This represents approximately $201M in Phase II grants awarded to the U.S. small business community from 1994 to 2014. In 1982, the Small Business Innovation Research (SBIR) Grants Program (Pub. L. 97–219, 96 stat. 217), 15 U.S.C. 638, was authorized, and in 2016, The National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328), enacted on December 23, 2016, reauthorized the SBIR and STTR programs through September 30, 2022.

The Lifecycle Certification form is used by USDA to ensure Small Business Concerns continue to meet specific program requirements during the life of the Funding Agreement. The GAO determined that the previously approved form currently in use has material deviations from the Small Business Administration (SBA) model language. NIFA is proposing minor changes to two of the questions on the form. The proposed changes contain clarifying language intended to address the GAO's recommendation that the language on the Lifecycle Certification form should match the model SBA language.

*Estimate of Burden:* The annual public reporting burden for the collection of information is estimated to average one (1) hour per response. Respondents include businesses or other for-profit concerns.

*Estimated Number of Respondents:* 110.

*Estimated Number of Responses per Respondent:* 2.

*Estimated Burden per Response:* 1 hour.

*Estimated Total Annual Burden on Respondents:* 500 hours.

*Comments:* Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

*Obtaining a Copy of the Information Collection:* A copy of the information collection and related instructions may be obtained free of charge by contacting Robert Martin as directed above.

Done at Washington, DC, this day of November 18, 2021.

**Carrie L. Castille,**

*Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.*

[FR Doc. 2021–25896 Filed 11–26–21; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

### Notice of Intent To Extend and Revise a Currently Approved Information Collection

**AGENCY:** National Institute of Food and Agriculture.

**ACTION:** Approval of notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to extend and revise, a currently approved information collection entitled, ''Reporting Requirements for State Plans of Work for Agricultural Research and Extension Formula Funds.'' NIFA is also proposing to modify the collection in response to audit findings of the USDA Office of Inspector General.

**DATES:** Written comments on this notice must be received by January 28, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Written comments may be submitted by any of the following methods: Email: *robert.martin3@usda.gov.* Mail: Office of Information Technology (OIT), NIFA, USDA, STOP 2216, 1400 Independence Avenue SW, Washington, DC 20250–2216. You may also submit comments, through the Federal eRulemaking Portal: *www.regulations.gov.* Follow the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Robert Martin, Records Officer; email: *robert.martin3@usda.gov;* phone: 202–445–5388.

**SUPPLEMENTARY INFORMATION:**

*Title:* Reporting Requirements for State Plans of Work for Agricultural Research and Extension Capacity Grants.

*OMB Number:* 0524–0036.

*Expiration Date of Current Approval:* September 30, 2022.

*Type of Request:* Notice of intent to extend, for one year, a currently approved information collection. The burden for this collection remains unchanged.

The agency is building a new reporting system, the ''NIFA Reporting System,'' (NRS) that will consume the ''Reporting Requirements for Research, Education, and Extension project reporting tool (REEport)'' and this collection upon completion. At the appropriate time, NIFA will request approval for a new information collection to include all competitive and capacity programs. In addition, NIFA will work with university partners in extension and research to review and identify measures to further streamline the submission, reporting under, and implementation of plan of work requirements under USDA extension and research capacity programs, as required by section 7505 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (7 U.S.C. 7614b). The adoption of new technology and elimination of data fields that are not required by law or are not used by NIFA for informational purposes, will reduce the burden of collecting and reporting information to our grantees. At that time, we will be better able to estimate the actual burden.

In addition to the Plan of Work requirements described below, NIFA seeks to collect two digital identifiers to assist with collecting information on publications that result from NIFA-funded projects. The first digital identifier is the Digital Object Identifier (DOI) assigned to journal articles by publishers. The DOI will allow NIFA to eliminate the manual entry of publication data by grantees. NIFA also seeks to collect the Open Researcher and Contributor ID (ORCID). The ORCID is a persistent digital identifier, available to individuals at no cost. Increasingly, researchers are placing their ORCIDs in publication metadata. Together, the DOI and ORCID will help NIFA improve the robustness of its publication data and be better positioned to demonstrate the value of its investments.

NIFA also seeks to collect information from its grantees in support of its key performance indicator (KPI), Workforce Development. NIFA, in collaboration with the Office of Chief Scientist, defines the KPI as the number of students trained as part of a NIFA-funded project or program. This data is currently collected from a segment of NIFA's programs. The Agency seeks to expand this to all relevant programs as they are brought over to the NIFA Reporting System.

*Abstract:* The purpose of this collection of information is to continue implementing the requirement that a plan of work must be submitted by each institution and approved by the National Institute of Food and Agriculture (NIFA) before formula funds may be provided to the 1862 and 1890 land-grant institutions.

The formula funds are authorized under the Hatch Act of 1887, as amended (7 U.S.C. 361a–i) for agricultural research activities at the 1862 land-grant institutions, under the Smith-Lever Act (7 U.S.C. 341–349) for the extension activities at the 1862 land-grant institutions, and under sections 1444 and 1445 of AREERA (7 U.S.C. 3221–3222) for research and extension activities at the 1890 land-grant institutions. The requirement for the submission of a plan of work may be found in 7 U.S.C. 344(c) for the Smith-Lever Act, in 7 U.S.C. 361g(d) for the Hatch Act, and in 7 U.S.C. 3221(d)(3) and 3222(c)(2) respectively for Research and Extension at the 1890 Institutions. The plan of work must address critical agricultural issues in the State and describe the programs and projects targeted to address these issues using the NIFA formula funds. The plan of work also must describe the institution's multistate activities and include their integrated research and extension activities.

This collection of information also includes the reporting requirements of section 102(c) of AREERA (7 U.S.C. 7612(c)) for the 1862 and 1890 land-grant institutions. This section requires the 1862, 1890, and 1994 land-grant institutions, and Hispanic-serving agricultural colleges and universities receiving agricultural research, education, and extension formula funds from NIFA of the Department of Agriculture (USDA) to establish and implement processes for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of such funds.

Section 102(c) further requires that the Secretary of Agriculture promulgate regulations that prescribe what the institutions must do to meet this requirement and the consequences of not complying with this requirement. The Stakeholder Input Requirements for Recipients of Agricultural Research, Education, and Extension Formula Funds (7 CFR 3418) final rule (65 FR 5998, Feb. 8, 2000) applies not only to the land-grant institutions and Hispanic-serving agricultural college and universities receiving formula funds but also to the veterinary and forestry schools that are not land-grant institutions but receive forestry research funds under the McIntire-Stennis Cooperative Forestry Research Act of 1962 (16 U.S.C. 582a1–7) and animal health and disease research funds under section 1433 of NARETPA (7 U.S.C. 3195(a)).

Failure to comply with the requirements of this rule may result in the withholding of a recipient institution's formula funds and redistribution of its share of formula

funds to other eligible institutions. The institutions are required to annually report to NIFA: (1) The actions taken to seek stakeholder input to encourage their participation; (2) a brief statement of the process used by the recipient institution to identify individuals and groups who are stakeholders and to collect input from them; and (3) a statement of how collected input was considered. There is no legislatively prescribed form or format for this reporting requirement. However, the 1862 and 1890 land- grant institutions and Hispanic-serving agricultural colleges and universities are required to report on their Stakeholder Input Process annually as part of their Annual Report of Accomplishments and Results.

Section 103(e) of AREERA (7 U.S.C. 7613(e)) requires that the 1862, 1890, and 1994 land-grant institutions, as well as Hispanic-serving agricultural colleges and universities, establish a merit review process to obtain agricultural research and extension funds. Section 104 of AREERA (7 U.S.C. 361c(h)) further stipulated that for research conducted pursuant to the Hatch Act, a scientific peer review process be established for research programs funded under section 3(c)(3) of the Hatch Act (commonly referred to as Hatch Multistate Research Funds), which should be used in lieu of the merit review requirement in section 7613(e).

**I. Initial 5-Year Plan of Work**

*Estimate of Burden:* The Initial 5-Year Plan of Work was submitted for the FY 2020–2024 Plan of Work in 2019. Thus, this reporting burden has been satisfied and will no longer be collected. Consequently, the total reporting and record keeping requirements for the submission of the ''Initial 5- Year Plan of Work'' is estimated to average 0 hours per response.

*The revised Plan of Work includes six components:* ''Critical Issues,'' Extension Program and Research project Initiations in the NRS platform,'' ''Stakeholder Input Process,'' ''Merit Review Process,'' ''Multistate Activities,'' and ''Integrated Activities.'' The total reporting and record keeping requirements for the initial submission was estimated to average 64 hours per response.

*Estimated Number of Respondents:* 75.

*Estimated Number of Responses:* 150.

*Estimated Total Annual Burden on Respondents:* 9,600 hours.

*Frequency of Responses:* Annually.

**II. Annual Update to 5-Year Plan of Work**

*Estimate of the Burden:* The total reporting and record keeping requirements for the submission of the ''Annual Update to the 5-Year Plan of Work'' is estimated to average 64 hours per response. There are five components of this ''5-Year Plan of Work'': ''Planned Programs,'' ''Stakeholder Input Process,'' ''Program Review Process,'' ''Multi state Activities,'' and ''Integrated Activities.''

*Estimated Number of Respondents:* 75.

*Estimated Number of Responses:* 150.

*Estimated Total Annual Burden on Respondents:* 9,600 hours.

*Frequency of Responses:* Annually.

**III. Annual Report of Accomplishments and Results**

The Annual Report of Accomplishments and Results will contain summaries of projects and programs for which key activities have produced outcomes. Projects and programs are organized by Critical Issue. Project summaries include four components: The issue and its significance; key activities undertaken to achieve the goals and objectives; changes in knowledge, behavior, or condition resulting from the project's activities; and who benefited and how.

*Estimate of the Burden:* The total annual reporting and record keeping requirements of the ''Annual Report of Accomplishments and Results'' is estimated to average 260 hours per response.

*Estimated Number of Respondents:* 75.

*Estimated Number of Responses:* 150.

*Estimated Total Annual Burden on Respondents:* 39,000 hours.

*Frequency of Responses:* Annually.

*Comments:* Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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 should be sent to the address stated in the preamble.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Done at Washington, DC, this day of November 18, 2021.

**Carrie L. Castille,**

*Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.*

[FR Doc. 2021–25900 Filed 11–26–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–489–502]**

### Circular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Final Results and Rescission, in Part, of Countervailing Duty Administrative Review; Calendar Year 2019

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that exporters/producers of circular welded carbon steel pipes and tubes from the Republic of Turkey (Turkey) received countervailable subsidies during the period of review (POR), January 1, 2019, through December 31, 2019.

**DATES:** Applicable November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jolanta Lawska, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8362.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 3, 2021, Commerce published the preliminary results of this administrative review.[1] On September 23, 2021, Commerce extended the deadline for the final results to November 30, 2021.[2] For a summary of events that occurred since the *Preliminary Results,* see the Issues and Decision Memorandum.[3]

[1] *See Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review, in Part; Calendar Year 2019,* 86 FR 29754 (June 3, 2021) *(Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Circular Welded Carbon Steel Pipes and Tubes from Turkey: Extension of Deadline for Final Results of Countervailing Duty Administrative Review,'' dated September 23, 2021.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of

Continued

**Scope of the Order**

The merchandise covered by the order is circular welded carbon steel pipes and tubes from Turkey. For a complete description of the scope of the order, *see* the accompanying Issues and Decision Memorandum.[4]

**Rescission of Administrative Review, in Part**

As noted in the *Preliminary Results,* based on timely-filed certifications and the results of our query of Custom and Border Protection's (CBP) trade database, as well as the responses received from CBP to our no-shipment inquiries, we indicated our intent to rescind the administrative review with regard to Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., and Toscelik Metal Ticaret A.S. (collectively, the Tosçelik Companies); Cayirova Boru Sanayi ve Ticaret A.S., Yucel Boru ve Profil Endustrisi A.S., and Yucelboru Ihracat Ithalat ve Pazarlama A.S. (collectively, the Yucel Companies); Cinar Boru Profil Sanayi ve Ticaret Anonim Sirketi (Cinar Boru); Borusan Birlesik Boru Fabrikalari San ve Tic. (Borusan Fabrikalari); Borusan Gemlik Boru Tesisleri A.S. (Borusan Gemlik); Borusan Ihracat Ithalat ve Dagitim A.S. (Borusan Dagitim); Tubeco Pipe and Steel Corporation (Tubeco); and Borusan Lojistik Dagitim Depolama Tasimacilik ve Ticaret A.S. (Borusan Lojistik), in accordance with 19 CFR 351.213(d)(3).[5] As the facts in this regard are unchanged since the *Preliminary Results,* we are rescinding the administrative review of the Toscelik Companies, the Yucel Companies, Cinar Boru, Borusan Fabrikalari, Borusan Gemlik, Borusan Dagitim, Tubeco, and Borusan Lojistik pursuant to 19 CFR 351.213(d)(3). For further information, *see* the Issues and Decision Memorandum.

Additionally, subsequent to the *Preliminary Results,* Commerce issued a supplemental questionnaire[6] to the Borusan Companies inquiring about whether ''Borusan Mannesmann'' and ''Borusan Mannesmann Pipe US, Inc.,'' two companies for which a review was initiated and included in the *Preliminary Results,* are U.S. companies. In the Borusan Companies' response,[7] they stated that ''Borusan Mannesmann'' is not a legal entity, and that the full name of the company is Borusan Mannesmann Boru Sanayi ve Ticaret A.S., one of the mandatory respondents. Further, they stated that Borusan Mannesmann Pipe US, Inc. is a U.S.-based firm producing oil country tubular goods and line pipe and is not an exporter or producer of subject merchandise. Thus, because ''Borusan Mannesmann'' is not a legal entity, and because Borusan Mannesmann Pipe US, Inc. is a U.S.-based firm that is not a producer or exporter of the subject merchandise, we are rescinding the review with respect to these companies pursuant to 19 CFR 351.213(d)(3).

**Analysis of Comments Received**

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum. The issues are identified in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

**Changes Since the Preliminary Results**

Based on the comments received, we made no changes to the net subsidy rates calculated for the Borusan Companies.

**Methodology**

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable during the POR, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that confers a benefit to the recipient, and that the subsidy is specific.[8] For a complete description of the methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

**Final Results of the Review**

In accordance with section 751(a)(1)(A) of the Act and 19 CFR 351.221(b)(4), for the period January 1, 2019, through December 31, 2019, we determine the net subsidy rates for the producers/exporters under review to be as follows:

| Company | Net subsidy rate (percent) |
|---|---|
| Borusan Holding A.S., Borusan Mannesmann Boru Yatirim Holding, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., and Borusan Istikbal Ticaret T.A.S. (collectively, the Borusan Companies) | 0.83 |
| Borusan Ithicat ve Dagitim A.S | 0.83 |
| Cagil Makina Sanayi ve Ticaret A.S | 0.83 |
| Cimtas Boru Imalatlari ve Ticaret Sirketi | 0.83 |
| Eksen Makina | 0.83 |
| Erbosan Erciyas Boru Sanayi ve Ticaret A.S | 0.83 |
| Guner Eksport | 0.83 |
| Guven Celik Boru San. Ve Tic. Ltd. (also known as Guven Steel Pipe) | 0.83 |
| HDM Celik Boru Sanayi ve Ticaret Ltd. Sti | 0.83 |
| Kale Baglanti Teknolojileri San ve Tic. A.S | 0.83 |
| Kalibre Boru Sanayi ve Ticaret A.S | 0.83 |
| MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul | 0.83 |
| Net Boru Sanayi ve Dis Ticaret Koll. Sti | 0.83 |
| Noksel Celik Boru Sanayi A.S | 0.83 |
| Perfektup Ambalaj San. ve Tic. A.S | 0.83 |
| Schenker Arkas Nakliyat ve Ticaret A.S | 0.83 |
| Umran Celik Boru Sanayii A.S. (also known as Umran Steel Pipe Inc.) | 0.83 |

Countervailing Duty Administrative Review: Circular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey; 2019,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Issues and Decision Memorandum at 2.

[5] *See Preliminary Results,* 86 FR at 29755, and accompanying PDM at 8–9.

[6] *See* Commerce's Letter, ''Post- Preliminary Supplemental Questionnaire for Borusan Group, Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB), and Borusan Istikbal Ticaret T.A.S. (Istikbal),'' dated June 15, 2021.

[7] *See* Borusan Companies' Letter, ''BMB's Post-Preliminary Supplemental Questionnaire Response,'' dated June 22, 2021.

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

| Company | Net subsidy rate (percent) |
|---|---|
| Vespro Muhendislik Mimarlik Danismanlik Sanayi ve Ticaret A.S | 0.83 |

**Assessment Rates**

Pursuant to 19 CFR 351.212(b)(2), Commerce will determine, and CBP shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. We intend to issue assessment instructions to CBP 35 days after the date of publication of these final results of review. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR in accordance with 19 CFR 351.212(c)(1)(i).

**Cash Deposit Requirements**

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all nonreviewed firms subject to the order, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

**Administrative Protective Order (APO)**

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 23, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

**Appendix**



[FR Doc. 2021–25932 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–427–830]**

### Strontium Chromate From France: Final Results of Antidumping Duty Administrative Review; 2019–2020

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on strontium chromate from France. The period of review (POR) is May 17, 2019, through October 31, 2020. The review covers one producer/exporter of the subject merchandise, Société Nouvelle des Couleurs Zinciques (SNCZ). We determine that sales of subject merchandise by SNCZ were sold at prices below normal value (NV).

**DATES:** Applicable November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973.

**SUPPLEMENTARY INFORMATION:**

**Background**

Commerce published the *Preliminary Results* on August 2, 2021.[1] We invited interested parties to comment on the *Preliminary Results.* For a complete description of the events that occurred after the *Preliminary Results, see* the Issues and Decision Memorandum.[2] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order** [3]

The product covered by this *Order* is strontium chromate from France. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

**Analysis of Comments Received**

The sole issue raised in the parties' case and rebuttal briefs is addressed in the Issues and Decision Memorandum and is listed in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

**Changes Since the Preliminary Results**

Based on the comments received from interested parties and record

[1] *See Strontium Chromate from France: Preliminary Results of Antidumping Duty Administrative Review; 2019– 2020;* 86 FR 41441 (August 2, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results in the 2019–2020 Antidumping Duty Administrative Review of Strontium Chromate from France,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Strontium Chromate from Austria and France: Antidumping Duty Orders,* 84 FR 65349 (November 27, 2019) (*Order*).

information, we made one modification to our preliminary dumping margin calculation for SNCZ. The modification did not result in a change to the dumping margin. For a discussion of this change, *see* the Issues and Decision Memorandum.

**Final Results of the Review**

As a result of this review, we determine the following weighted-average dumping margin exists for the POR:

| Exporter or producer | Weighted-average dumping margin (percent) |
|---|---|
| Société Nouvelle des Couleurs Zinciques | 14.65 |

**Disclosure**

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with section 751(a) of the Act and 19 CFR 351.224(b).

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total quantity of those sales. To determine whether an importer-specific per-unit duty assessment rate is *de minimis,* we calculated an estimated entered value. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[4]

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[5]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for SNCZ will be equal to the weighted-average dumping margin established in the final results of this administrative review (*i.e.,* 14.65 percent); (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 32.16 percent *ad valorem,* the all-others rate established in the LTFV investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers Regarding the Reimbursement of Duties**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Notification Regarding Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 23, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

**Appendix**

**List of Topics Discussed in the Issues and Decision Memorandum**



[FR Doc. 2021–25935 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–DS–P**

[4] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

[5] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[6] *See Order,* 84 FR at 65350.

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Renewable Energy and Energy Efficiency Advisory Committee

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a virtual meeting via WebEx on Thursday December 9, 2021, hosted by the U.S. Department of Commerce. The meeting

is open to the public with registration instructions provided below.

**DATES:** December 9, 2021, from 1:00 p.m. to 4:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate must register in advance with the REEEAC Designated Federal Officer (DFO) Cora Dickson at the contact information below by 5:00 p.m. EST on Friday, December 3, 2021, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

**ADDRESSES:** To register, please contact Cora Dickson, REEEAC DFO, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: *Cora.Dickson@trade.gov.* Registered participants will be emailed the login information for the meeting, which will be conducted via WebEx.

**FOR FURTHER INFORMATION CONTACT:** Cora Dickson, REEEAC DFO, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: *Cora.Dickson@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 5, 2020. The REEEAC provides the Secretary of Commerce with advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information about the Committee, including the list of appointed members for this charter, is published online at *http://trade.gov/reeeac.*

On December 9, 2021, the REEEAC will hold the fifth meeting of its current charter term. The Committee, with officials from the Department of Commerce and other agencies, will discuss major issues affecting the competitiveness of the U.S. renewable energy and energy efficiency industries, covering four broad themes: trade promotion and market access, global decarbonization, clean energy supply chains, and technology and innovation. The Committee will also review recommendations developed by subcommittee in these areas. To receive an agenda please make a request to REEEAC DFO Cora Dickson per above. The agenda will be made available no later than December 3, 2021.

The Committee meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the DATE caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact REEEAC DFO Cora Dickson using the contact information above and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EST on Friday, December 3, 2021. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Cora Dickson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted via email to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Cora Dickson, DFO, Office of Energy and Environmental Industries, U.S. Department of Commerce; *Cora.Dickson@trade.gov.* To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5:00 p.m. EST on Friday, December 3, 2021. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

**Man Cho,**

*Deputy Director, Office of Energy and Environmental Industries.*

[FR Doc. 2021–25858 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Initiation of Antidumping and Countervailing Duty Administrative Reviews

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with October anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

**DATES:** Applicable November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

**SUPPLEMENTARY INFORMATION:**

#### Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

#### Notice of no Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *https://access.trade.gov,* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

#### Respondent Selection

In the event Commerce limits the number of respondents for individual

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

**Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

**Deadline for Particular Market Situation Allegation**

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[2] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

**Separate Rates**

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment

[2] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

of the proceeding [3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[4] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-separate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for respondent selection. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

**Initiation of Reviews**

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than October 31, 2022.

| | Period to be reviewed |
|---|---|
| **AD Proceedings** | |
| INDIA: Stainless Steel Flanges A–533–877 | 10/1/20–9/30/21 |
| Ae Engineers & Exporters. | |
| Armstrong International Pvt. Ltd. | |
| Avini Metal Limited. | |
| Balkrishna Steel Forge Pvt. Ltd. | |
| Bebitz Flanges Works Pvt. Ltd. | |
| BFN Forgings Private Limited. | |
| Broadway Overseas Ltd. | |
| CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd). | |
| Chandan Steel Limited [5]. | |
| CHW Forge Pvt. Ltd. | |
| Dart Global Logistics Pvt. | |
| Dongguan Good Luck Industrial Co., Ltd. | |
| Dongguan Good Luck Furniture Industrial Co., Ltd. | |
| Echjay Forgings Pvt. Ltd. | |
| Emerson Process Management. | |
| Expeditors International. | |
| Fivebros Forgings Pvt. Ltd. | |
| Fluid Controls Pvt. Ltd. | |
| G.I. Auto Pvt. Ltd. | |
| G I Auto Private. | |
| Good Luck Engineering Co. | |
| Goodluck India Ltd. | |
| Hilton Metal Forging Limited. | |
| Jai Auto Pvt. Ltd. | |
| Jay Jagdamba Forgings Private Limited. | |
| Jay Jagdamba Limited. | |
| Jay Jagdamba Profile Private Limited. | |
| Katariya Steel Distributors. | |
| Kisaan Die Tech Pvt Ltd. | |
| Pashupati Ispat Pvt. Ltd. | |
| Pashupati Tradex Pvt., Ltd. | |
| Pradeep Metals Ltd. | |
| Rajan Techno Cast. | |
| Rajan Techno Cast Pvt. Ltd. | |
| Rolex Fittings India Pvt. Ltd. | |
| Rollwell Forge Pvt. Ltd. | |
| Safewater Lines (I) Pvt. Ltd. | |
| Saini Flange Pvt. Ltd. | |
| Saini Flanges Private. | |
| Shree Jay Jagdamba Flanges Private Limited. | |
| Transworld Enterprises. | |
| Viraj Profiles Ltd. | |
| JAPAN: Certain Hot-Rolled Steel Flat Products A–588–874 | 10/1/20–9/30/21 |
| Nippon Steel Corporation. | |
| Tokyo Steel Manufacturing Co., Ltd. | |
| MEXICO: Carbon and Certain Alloy Steel Wire Rod A–201–830 | 10/1/20–9/30/21 |

[3] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[4] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

| | Period to be reviewed |
|---|---|
| ArcelorMittal Mexico SA de C.V. | |
| Deacero S.A.P.I. de C.V. | |
| MEXICO: Refillable Stainless Steel Kegs A–201–849 | 10/1/20–9/30/21 |
| Thielmann Mexico S.A. de C.V. | |
| REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products A–580–883 | 10/1/20–9/30/21 |
| Del Trading Inc. | |
| Dongkuk Industries Co., Ltd. | |
| Dongkuk Steel Mill Co., Ltd. | |
| Gs Global Corp. | |
| Gs Holdings Corp. | |
| Hyundai Steel Company. | |
| KG Dongbu Steel Co., Ltd. | |
| Marubeni-Itochu Steel Korea, Ltd. | |
| POSCO. | |
| POSCO Daewoo Corporation. | |
| POSCO International Corporation. | |
| Samsung C and T Corporation. | |
| Snp Ltd. | |
| Soon Ho Co., Ltd. | |
| Soon Hong Trading Co. Ltd. | |
| Sungjin Co., Ltd. | |
| TAIWAN: Narrow Woven Ribbons with Woven Selvedge A–583–844 | 9/1/20–8/31/21 |
| Hubscher Ribbon Corp., Ltd. (d/b/a Hubschercorp).[6] | |
| THAILAND: Glycine A–549–837 | 0/1/20–9/30/21 |
| Newtrend Food Ingredient (Thailand) Co., Ltd. | |
| THE NETHERLANDS: Certain Hot-Rolled Steel Flat Products A–421–813 | 10/1/20–9/30/21 |
| Tata Steel Ijmuiden BV. | |
| THE PEOPLE'S REPUBLIC OF CHINA: Polyvinyl Alcohol A–570–879 | 10/1/20–9/30/21 |
| Sinopec Chongqing SVW Chemical Co., Ltd. | |
| Sinopec Sichuan Vinylon Works. | |
| THE PEOPLE'S REPUBLIC OF CHINA: Electrolytic Manganese Dioxide A–570–919 | 10/1/20–9/30/21 |
| Duracell Canada Inc. | |
| TURKEY: Certain Hot-Rolled Steel Flat Products A–489–826 | 10/1/20–9/30/21 |
| Agir Haddecilik A.S. | |
| Cag Celik Demir ve Celik. | |
| Colakoglu Dis Ticaret A.S. and Colakoglu Metalurji, A.S. (''Colakoglu''). | |
| Eregli Demir ve Celik Fabrikalari T.A.S. | |
| Gazi Metal Mamulleri Sanayi Ve Ticaret A.S. | |
| Habas Industrial and Medical Gases Production Industries Inc. | |
| Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi. | |
| Iskenderun Iron & Steel Works Co. (a/k/a/Iskenderun Demir ve Celik A.S.). | |
| Kayseri Metal Center San. ve Tic. A.S. | |
| Kibar Group (Kibar Dis Ticaret A.S.). | |
| MMK Atakas Metalurji. | |
| Ozkan Iron and Steel Ind. | |
| Seametal Sanayi ve Dis Ticaret Limited Sirketi. | |
| Tosyali Holding (Toscelik Profile and Sheet Ind. Co., Toscelik Profil ve Sac A.S.). | |
| **CVD Proceedings** | |
| INDIA: Stainless Steel Flanges C–533–878 | 1/1/20–12/31/20 |
| Ae Engineers and Exporters. | |
| Armstrong International Pvt. Ltd. | |
| Avini Metal Limited. | |
| Balkrishna Steel Forge Pvt. Ltd. | |
| Bebitz Flanges Works Pvt. Ltd. | |
| BFN Forgings Private Limited. | |
| Broadway Overseas Ltd. | |
| CD Industries (Prop. Kisaan Engineering Works Pvt. Ltd.). | |
| Chandan Steel Limited. | |
| CHW Forge Private. | |
| Dart Global Logistics Pvt. | |
| Dongguan Good Luck Industrial Co., Ltd. | |
| Dongguan Good Luck Furniture Industrial Co., Ltd. | |
| Echjay Forgings Private Limited. | |
| Emerson Process Management. | |
| Expeditors International. | |
| Fivebros Forgings Pvt. Ltd. | |
| Fluid Controls Pvt. Ltd. | |
| G I Auto Private. | |
| G. I. Auto Pvt. Ltd. | |
| Good Luck Engineering Co. | |
| Goodluck India Limited. | |
| Hilton Metal Forging Limited. | |
| Jai Auto Pvt. Ltd. | |

| | Period to be reviewed |
|---|---|
| Jay Jagdamba Ltd. | |
| Jay Jagdamba Profile Private Limited. | |
| Jay Jagdamba Forgings Private LimitedKatariya Steel Distributors. | |
| Kisaan Die Tech Pvt. Ltd. | |
| Pashupati Ispat Pvt. Ltd. | |
| Pashupati Tradex Pvt., Ltd. | |
| Pradeep Metals Ltd. | |
| Rajan Techno Cast. | |
| Rajan Techno Cast Pvt. Ltd. | |
| Rolex Fittings India Pvt. Ltd. | |
| Rollwell Forge Pvt. Ltd. | |
| Safewater Lines (I) Pvt. Ltd. | |
| Saini Flange Pvt. Ltd. | |
| Saini Flanges Private. | |
| Shree Jay Jagdamba Flanges Pvt. Ltd. | |
| Transworld Enterprises. | |
| Viraj Profiles Ltd. | |
| REPUBLIC OF KOREA: Certain Hot-Rolled Steel Flat Products C–580–884 | 1/1/20–12/31/20 |
| DCE Inc. | |
| Dong Chuel America Inc. | |
| Dong Chuel Industrial Co., Ltd. | |
| Dongbu Incheon Steel Co., Ltd. | |
| Dongbu Steel Co., Ltd. | |
| Dongkuk Industries Co., Ltd. | |
| Dongkuk Steel Mill Co., Ltd. | |
| Hyewon Sni Corporation (H.S.I.). | |
| Hyundai Steel Company.[7] | |
| JFE Shoji Trade Korea Ltd. | |
| POSCO. | |
| POSCO Coated & Color Steel Co., Ltd. | |
| POSCO Daewoo Corporation. | |
| POSCO International Corporation. | |
| Soon Hong Trading Co., Ltd. | |
| Sung-A Steel Co., Ltd. | |
| THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons with Woven Selvedge C–570–953 | 1/1/20–12/31/20 |
| Hubscher Ribbon Corp., Ltd. (d/b/a Hubschercorp).[8] | |

**Suspension Agreements**

None.

**Duty Absorption Reviews**

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

**Gap Period Liquidation**

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

**Administrative Protective Orders and Letters of Appearance**

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

**Factual Information Requirements**

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The

[5] This company is also referenced as ''Chandan Steel Limited, India.''

[6] This company was omitted from the initiation notice that published on November 5, 2021 (86 FR 61121).

[7] This company may also be referenced as Hyundai Steel Co., Ltd.

[8] This company was omitted from the initiation notice that published on November 5, 2021 (86 FR 61121).

regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule,*[9] available at *https://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule.*[11] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

**Extension of Time Limits Regulation**

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[12] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: November 23, 2021.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2021–25934 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–DS–P**

[9] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

[11] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[12] *See* 19 CFR 351.302.

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–523–808]**

## Certain Steel Nails From the Sultanate of Oman: Final Results of Antidumping Duty Administrative Review; 2019–2020

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that Oman Fasteners LLC (Oman Fasteners) made sales of subject merchandise below normal value. The period of review (POR) is July 1, 2019, through June 30, 2020.

**DATES:** Applicable November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dakota Potts, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223.

**SUPPLEMENTARY INFORMATION:**

### Background

On June 1, 2021, Commerce published the preliminary results of the administrative review of the antidumping duty (AD) order on certain steel nails (steel nails) from the Sultanate of Oman (Oman).[1] For a history of events that have occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[2]

### Scope of the Order

The merchandise covered by the antidumping duty order is certain steel nails. For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

### Analysis of Comments Received

Commerce addressed all issues raised in the case and rebuttal briefs in the Issues and Decision Memorandum. These issues are identified in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made one change to the margin calculation for Oman Fasteners since the *Preliminary Results.* We have recalculated the constructed value (CV) profit ratio for the final results.[3]

### Final Results of Review

As a result of this administrative review, we determine the following weighted-average dumping margin for the period July 1, 2019, through June 30, 2020:

[1] *See Certain Steel Nails from the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 29244 (June 1, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Sultanate of Oman,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See* Issues and Decision Memorandum at Comment 2; *see also* Memorandum, ''Final Results of the Fifth Antidumping Duty Administrative Review of Certain Steel Nails from the Sultanate of Oman: Final Analysis Memorandum for Oman Fasteners, LLC,'', dated concurrently with this notice (Final Analysis Memorandum).

| Manufacturer/exporter | Weighted-average margin (percent) |
|---|---|
| Oman Fasteners LLC ..... | 1.65 |

**Disclosure**

Commerce intends to disclose the calculations performed for Oman Fasteners in these final results to interested parties within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**Assessment**

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this administrative review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Where the respondent reported reliable entered values, Commerce calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[4] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[5] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[6] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[7]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise that entered the United States during the POR that were produced by Oman Fasteners for which the respondent did not know that its merchandise was destined to the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate of 9.10 percent,[8] if there is no rate for the intermediate company(ies) involved in the transaction.[9]

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of steel nails from Oman entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) For the companies covered by this review, the cash deposit rate will be the rates listed above in the section ''Final Results of Review''; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in a completed segment for the most recent period of review; (3) if the exporter is not a firm covered in this review or in the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 9.10 percent, the all-others rate established in the investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

**Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

Commerce is issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 22, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix**

**List of Topics Discussed in the Issues and Decision Memorandum**



[FR Doc. 2021–25933 Filed 11–26–21; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.212(b)(1).

[5] *Id.*

[6] *Id.*

[7] *See* 19 CFR 351.106(c)(2).

[8] *See Certain Steel Nails from the Sultanate of Oman: Final Determination of Sales at Less Than Fair Value,* 80 FR 28972 (May 20, 2015) (*Investigation Final Determination*).

[9] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[10] *See Investigation Final Determination.*

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## Notice of Indirect Cost Rates

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of indirect cost rates for the Office of National Marine

Sanctuaries Natural Resource Damage Assessments for fiscal year 2014.

**SUMMARY:** The National Oceanic and Atmospheric Administration's (NOAA's) Office of National Marine Sanctuaries (ONMS) announces the establishment of new indirect cost rates for the recovery of indirect costs for its component organizations involved in natural resource damage and restoration activities for fiscal year (FY) 2014. NOAA provides the indirect cost rates for this fiscal year and the dates of implementation in this notice. The public can obtain more information on this rate from the address provided below in the **ADDRESSES** section.

**DATES:** This notice is effective on November 29, 2021.

**ADDRESSES:** Vicki Wedell, phone 240–676–3805; email *Vicki.Wedell@noaa.gov;* or 1305 East-West Highway, N/NMS, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Vicki Wedell, phone 240–676–3805; email *Vicki.Wedell@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

The Natural Resource Damage Assessment (NRDA) mission of ONMS is to restore injuries to sanctuary resources caused by the release of hazardous substances or oil under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; 42 U.S.C., 9601 *et seq.*) or the Oil Pollution Action of 1990 (OPA; 33 U.S.C., 2701 *et seq.*), or physical injuries under the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*). ONMS conducts NRDAs as a basis for recovering damages from responsible parties and uses the funds recovered to restore injured sanctuary resources.

When addressing NRDA incidents, the costs of the damage assessment are recoverable from individuals and organizations who are potentially liable for an incident. Total costs include both direct and indirect costs. Direct costs are costs for activities that are clearly and readily attributable to a specific case or other program products. In contrast, indirect costs reflect the costs for activities that collectively support ONMS' mission and operations. For example, indirect costs include general administrative support overheads. Although indirect costs may not be readily traced back to a specific direct activity, indirect costs may be allocated to direct activities using an indirect cost distribution rate.

Consistent with standard Federal accounting requirements, ONMS is required to account for and report the full costs of its programs and activities. Further, ONMS is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA and the NMSA. Within the constraints of these laws, ONMS has the discretion to develop indirect cost rates subject to its requirements.

**ONMS's Indirect Cost Effort**

NOAA contracted Empirical Concepts Incorporated (Empirical), who subcontracted with the public accounting firm Cotton and Company LLP to: (1) Evaluate the cost accounting system and allocation practices; (2) recommend the appropriate indirect cost allocation methodology; and (3) determine the indirect cost rates for the organizations that comprise ONMS.

Empirical concluded that the cost accounting system and allocation practices of ONMS component organizations are consistent with Federal accounting requirements. Empirical also determined that the most appropriate indirect allocation method was the Direct Labor Cost Base for all ONMS component organizations. The Direct Labor Cost Base is computed by allocating total indirect costs over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. Empirical further assessed that the indirect cost rates for the ONMS component organizations were fair and equitable. A report on Empirical's assessment and their determination can be obtained from the person identified in **FOR FURTHER INFORMATION CONTACT**.

**ONMS Indirect Cost Rate and Policies**

ONMS will apply the indirect cost rate for FY2014 as recommended by Empirical for each of the ONMS component organizations as provided in the following table:

| ONMS component organization | Fiscal year 2014 indirect rate (percent) |
|---|---|
| Office of National Marine Sanctuaries (except for Florida Keys National Marine Sanctuary) | 144.22 |
| Florida Keys National Marine Sanctuary | 188.11 |

The ONMS indirect rates increased from the FY2010 rates of 67.95 percent for all ONMS sites (except Florida Keys National Marine Sanctuary (FKNMS)) and 82.35 percent for FKNMS because ONMS had less direct case work and more indirect work during FY2014. The indirect rates are inversely proportional to direct costs.

ONMS will apply the FY2014 rates identified in this notice to all damage assessment and restoration case costs incurred from October 1, 2014 until present, using the Direct Labor Cost base allocation methodology. For cases that have settled and for cost claims paid prior to the effective date of the fiscal year in question, ONMS will not re-open any resolved matters for the purpose of applying the rates in this notice. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, ONMS will calculate costs using the rates in this notice. ONMS will use the FY2014 rates for future fiscal years until year-specific rates are developed.

**John Armor,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2021–25919 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–NK–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Representative and Address Provisions

The United States Patent and Trademark Office (USPTO) 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. The USPTO invites comment on this information collection renewal, which

helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 7, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

*Title:* Representative and Address Provisions.

*OMB Control Number:* 0651–0035.

*Form Number(s):* (AIA = American Invents; SB = Specimen Book).

- PTO/AIA/80; PTO/SB/80 (Power of Attorney to Prosecute Applications Before the USPTO)
- PTO/AIA/81 (Power of Attorney to One or More of the Joint Inventors and Change of Correspondence Address)
- PTO/SB/81 (Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/81A; PTO/SB/81A (Patent—Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/81B (Reexamination or Supplemental Examination—Patent Owner Power of Attorney or Revocation of Power of Attorney With a New Power of Attorney and Change of Correspondence Address for Reexamination or Supplemental Examination and Patent)
- PTO/SB/81B (Reexamination—Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/SB/81C (Reexamination—Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address)
- PTO/AIA/82A; PTO/AIA/82B; PTO/AIA/82C (Transmittal for Power of Attorney To One Or More Registered Practitioners/Power Of Attorney By Applicant)
- PTO/AIA/83; PTO/SB/83 (Request for Withdrawal as Attorney or Agent and Change of Correspondence Address)
- PTO/SB/124 (Request for Customer Number Data Change)
- PTO/SB/125 (Request for Customer Number)
- PTO/2248 (Request to Update a PCT Application with a Customer Number)

*Type of Review:* Extension and revision of a currently approved information collection.

*Estimated Number of Respondents:* 184,743 respondents per year.

*Estimated Number of Responses:* 226,573 responses per year.

*Average Hour per Response:* The USPTO estimates that it takes the public approximately between 0.2 hours (12 minutes) and 1.5 hours (90 minutes) to submit the information in this information collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed item to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 111,104 hours per year.

*Estimated Total Annual Non-Hour Cost Burden:* $26,695 per year.

*Needs and Uses:* The public uses this information collection to grant or revoke power of attorney, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to request a Customer Number, and to change the data associated with a Customer Number. This information collection is necessary so that the USPTO knows who is authorized to take action in an application, patent, or reexamination proceeding and where to send correspondence regarding an application, patent, or reexamination proceeding. In this notice, the USPTO has updated and slightly revised its estimated numbers from those originally published in the 60-day notice.

*Affected Public:* Private sector; individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this 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 information collection or the OMB Control Number 0651–0035.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0035 information request'' in the subject line of the message.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

**Kimberly Hardy,**

*Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.*

[FR Doc. 2021–25930 Filed 11–26–21; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Notice of Intent To Grant a Partially Exclusive Patent License

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant a partially exclusive patent license to UES Inc., a small business, having a place of business at 4401 Dayton-Xenia Road, Dayton, OH 45432–1894. Such license is partially exclusive as it is limited to the field of electronics.

**DATES:** Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

**ADDRESSES:** Submit written objections to James F. McBride, Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Area B, Building 11, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–9318; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket ARX–210727A–PL in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** James F. McBride, Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Area B, Building 11, Wright-Patterson AFB, OH 45433–7109; Telephone: (937) 713–0229; Facsimile: (937) 255–9318; or Email: *afmclo.jaz.tech@us.af.mil.*

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 35 U.S.C. 209; 37 CFR 404. and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

**Abstract of Patents and Patent Application(s)**

I. Articles comprising a resistor comprising core shell liquid metal encapsulates and methods of detecting an impact on an article using a resistor comprising core shell liquid metal encapsulates are disclosed. Such core shell liquid metal encapsulates enable simple but robust impact sensors as such encapsulates comprise a highly electrically resistant metal oxide shell that prevents such encapsulates from coalescing. Yet when such shell is ruptured, the highly conductive bulk liquid metal is released. Such liquid metal changes electrical properties of a sensor comprising core shell liquid metal encapsulates which in turn is evidence of the aforementioned impact.

*Intellectual property:*

- U.S. Patent No. 10,900,848 B2, that issued on January 26, 2021, and entitled ''*Articles comprising a resistor comprising core shell liquid metal encapsulates and method of detecting an impact.*''.

II. The present invention relates to core shell liquid metal encapsulates comprising multi-functional ligands, networks comprising such encapsulates and processes of making and using such encapsulates and networks. When subjected to strain, such network's conductivity is enhanced, thus allowing the network to serve as a healing agent that restores at least a portion of the conductivity in an adjacent conductor.

*Intellectual property:*

- U.S. Patent No. 11,100,223 B2, that issued on August 24, 2021, and U.S. Patent Application Serial No. 17/376,644, that was filed on July 15, 2021. Such patent and patent application being entitled ''*Core shell liquid metal encapsulates comprising multi-functional ligands and networks comprising same*''

III. The present invention relates to articles comprising core shell liquid metal encapsulate networks and methods of using core shell liquid metal encapsulate networks to control AC signals and power. Such method permits the skilled artisan to control the radiation, transmission, reflection and modulation of an AC signal and power. As a result, AC system properties such as operation frequency, polarization, gain, directionality, insertion loss, return loss, and impedance can be controlled under strain.

*Intellectual property:*

- U.S. Patent Application Serial No. 16/580,652, that was filed on September 24, 2019, and entitled ''*Articles comprising core shell liquid metal encapsulate networks and method to control alternating current signals and power*''.

IV. The present invention relates to substrates comprising a network comprising core shell liquid metal encapsulates comprising multi-functional ligands and processes of making and using such substrates. The core shell liquid metal particles are linked via ligands to form such network. Such networks volumetric conductivity increases under strain which maintains a substrate's resistance under strain. The constant resistance results in consistent thermal heating via resistive heating. Thus allowing a substrate that comprises such network to serve as an effective heat provider.

*Intellectual property:*

- U.S. Patent No. 11,102,883 B2, that issued on August 24, 2021, and U.S. Patent Application Serial No. 17/386,807, that was filed on July 28, 2021. Such patent and patent application being entitled ''*Substrates comprising a network comprising core shell liquid metal encapsulates comprising multi-functional ligands*''

V. The present invention relates to architected liquid metal networks and processes of making and using same. The predetermined template design technology of such architected liquid metal networks provides the desired spatial control of electrical, electromagnetic, and thermal properties as a function of strain. Thus, resulting in improved overall performance including process ability.

*Intellectual property:*

- U.S. Patent Application Serial No. 16/671,750, that was filed on November 1, 2019, and entitled ''*Architected liquid metal networks and processes of making and using same*''.

**Tommy W. Lee,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 2021–25905 Filed 11–26–21; 8:45 am]

**BILLING CODE 5001–10–P**

## ELECTION ASSISTANCE COMMISSION

### Agency Information Collection Activities; Proposals, Submissions, and Approvals; 2022 Election Administration and Voting Survey (EAVS)

**AGENCY:** U.S. Election Assistance Commission (EAC).

**ACTION:** Notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act* of 1995, the EAC announces an information collection and seeks public comment on the provisions thereof. The EAC intends to submit this proposed information collection (2022 Election Administration and Voting Survey, or EAVS) to the Director of the Office of Management and Budget for approval. The 2022 EAVS asks election officials questions concerning voting and election administration, including the following topics: Voter registration; overseas and military voting; voting by mail; early in-person voting; polling operations; provisional voting; voter participation; election technology; election policy; and other related issues.

**DATES:** Written comments must be submitted on or before January 28, 2022.

*Comments:* Public comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments on the proposed information collection should be submitted electronically via *https://www.regulations.gov* (docket ID: EAC–2021–0002). Written comments on the proposed information collection can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, *Attn:* EAVS.

*Obtaining a Copy of the Survey:* To obtain a free copy of the draft survey instrument: (1) Download a copy at *https://www.regulations.gov* (docket ID: EAC–2021–0002); or (2) write to the EAC (including your address and phone number) at U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, *Attn:* EAVS.

**FOR FURTHER INFORMATION CONTACT:** Dr. Nichelle Williams at 301–563–3919, or email *research@eac.gov;* U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* 2022 Election Administration and Voting Survey; OMB Number Pending.

**Needs and Uses**

The EAC issues the EAVS to meet its obligations under the Help America Vote Act of 2002 (HAVA) to serve as a national clearinghouse and resource for

the compilation of information with respect to the administration of Federal elections; to fulfill both the EAC and the Department of Defense Federal Voting Assistance Program's (FVAP) data collection requirements under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); and meet its National Voter Registration Act (NVRA) mandate to collect information from states concerning the impact of that statute on the administration of Federal elections. In addition, under the NVRA, the EAC is responsible for collecting information and reporting, biennially, to Congress on the impact of that statute. The information the states are required to submit to the EAC for purposes of the NVRA report are found under Title 11 of the Code of Federal Regulations. States that respond to questions in this survey concerning voter registration-related matters will meet their NVRA reporting requirements under 52 U.S.C. 20508 and EAC regulations. Finally, UOCAVA mandates that FVAP work with the EAC and chief state election officials to develop standards for reporting UOCAVA voting information (52 U.S.C. 20302) and that FVAP will store the reported data and present the findings within the congressionally-mandated report to the President and Congress. Additionally, UOCAVA requires that ''not later than 90 days after the date of each regularly scheduled general election for Federal office, each state and unit of local government which administered the election shall (through the state, in the case of a unit of local government) submit a report to the EAC on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such a report available to the general public.'' States that complete and timely submit the UOCAVA section of the survey to the EAC will fulfill their UOCAVA reporting requirement under 52 U.S.C. 20302. In order to fulfill the above requirements, the EAC is seeking information relating to the period from the Federal general election day 2020 +1 through the November 2022 Federal general election. The EAC will provide the data regarding UOCAVA voting to FVAP after data collection is completed. This data sharing reduces burden on local election offices because FVAP does not have to conduct its own data collection to meet its reporting requirements.

*Affected Public (Respondents):* State or local governments, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

*Affected Public:* State or local government.

*Number of Respondents:* 56.

*Responses per Respondent:* 1.

*Estimated Burden per Response:* 235 hours per collection, 117.5 hours annualized.

*Estimated Total Annual Burden Hours:* 13,160 hours per collection, 6,580 hours annualized.

*Frequency:* Biennially.

* * * * *

**Nichelle Williams,**

*Director of Research, U.S. Election Assistance Commission.*

[FR Doc. 2021–26004 Filed 11–26–21; 8:45 am]

**BILLING CODE 6820–KF–P**

## DEPARTMENT OF ENERGY

### Notice of Request for Information (RFI) on Energy Sector Supply Chain Review

**AGENCY:** Undersecretary for Science and Energy and Office of Policy (OP); Department of Energy (DOE).

**ACTION:** Request for information.

**SUMMARY:** The U.S. Department of Energy (DOE) Undersecretary for Science and Energy and Office of Policy (OP) request information on energy sector supply chains. This request for information (RFI) seeks input from all stakeholders involved directly and indirectly in the supply chains of energy, energy systems and technologies, and energy efficiency technologies from raw materials, processed materials, subcomponents, final products, to end-of-life material recovery and recycling—including but not limited to U.S. industry, researchers, academia, local governments, and civil society. This stakeholder input will inform the Department's efforts in building an energy sector industrial base that is diverse, resilient, and competitive while meeting economic, national security, and climate objectives.

**DATES:** Responses will be reviewed and considered on a rolling basis but are due no later than 5 p.m. (ET) on January 15, 2022.

**ADDRESSES:** Interested parties are to submit comments online (Strongly Preferred): Submit all electronic public comments to *www.regulations.gov/docket/DOE-HQ-2021-0020.* Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments. If you are unable to submit online, you may submit by email to *supplychain@hq.doe.gov* and include ''RFI: Supply Chain Review'' in the subject line of the email. Email attachments can be provided as a Microsoft Word (.docx) file or an Adobe PDF (.pdf) file, prepared in accordance with the detailed instructions in the RFI. Documents submitted electronically should clearly indicate which topic areas and specific questions are being addressed and should be limited to no more than 25MB in size. The complete RFI document is located at *www.energy.gov/policy.* Please refer to the Disclaimer and Important Note section at the end of this RFI on how to submit business sensitive and/or confidential information.

**FOR FURTHER INFORMATION CONTACT:** Questions may be addressed to Tsisilile Igogo at 202–586–0048. Please direct media inquiries to Jennifer Mosley through *jennifer.mosley@hq.doe.gov.* Further instructions can be found in the RFI document posted at *www.energy.gov/policy.*

**SUPPLEMENTARY INFORMATION:**

#### Background

Executive Order 14017 ''America's Supply Chains'' directs the Secretary of Energy to ''submit a report on supply chains for the energy sector industrial base (as determined by the Secretary of Energy)'' within one year of the date of the order 86 FR 11849 (February 24, 2021). This RFI seeks public input to inform DOE on approaches and actions needed to build resilient supply chains for the energy sector. Resilient supply chains as defined by the Executive Order 14017 means ''supply chains that are secure and diverse—facilitating greater domestic production, a range of supply, built-in redundancies, adequate stockpiles, safe and secure digital networks, and a world-class American manufacturing base and workforce.''

DOE recognizes that meeting U.S. jobs, economic, and emissions goals (which include a 50–52% reduction in emissions by 2030 from a 2005 baseline and net zero greenhouse gas emissions economy-wide by no later than 2050), will require a significant number of clean energy (and clean energy enabling) technologies to be deployed at a dramatically increasing scale at a time when other countries are expanding their clean energy sectors. DOE has identified technologies and crosscutting topics for analysis in the timeframe set by the Executive Order. The list of the selected technology sectors includes solar photovoltaic (PV); wind; electric grid, including transformers and high-voltage direct current (HVDC); energy storage; hydropower, including pumped

storage hydropower (PSH); nuclear energy; fuel cells and electrolyzers; semiconductors; neodymium magnets; platinum group metals and other catalysts; and carbon capture materials. Crosscutting topics include cybersecurity and digital components, and commercialization and competitiveness. DOE has additional ongoing supply chain analysis on other technologies and topics as well. For this effort, DOE is reviewing the full supply chain—from raw materials, processed materials, subcomponents, final products, to end-of-life material recovery and recycling—for each technology. DOE is taking an in-depth assessment in each of the selected technologies, including:

- Mapping the supply chains;
- Identifying existing and future threats, risks, and vulnerabilities;
- Identifying major barriers, including financial and commercial, scientific, technical, regulatory and market;
- Identifying conditions needed to help incentivize energy sector companies and communities to both transfer energy manufacturing back to and scale up supply chains in the United States.
- Identifying areas where collaboration between the government and private sector, as well as between government entities (federal, state, local, and Tribal), is necessary to expand the energy industrial base, what private sector leadership might look like in this area, and where or how government can help; and
- Identifying specific actions to address threats, risks, and vulnerabilities and help build resilient supply chains.

This RFI seeks input from all stakeholders involved directly and indirectly in the supply chains of energy and energy efficiency technologies—including but not limited to U.S. industry, researchers, academia, local governments, labor organizations, and civil society. This stakeholder input will inform the Department's efforts to build an energy sector industrial base that is diverse, resilient, and competitive while meeting economic, national security, and climate objectives.

This RFI seeks responses on the energy sector industrial base and individual technologies as well as crosscutting topics. Specifically, DOE is interested in gathering information relevant to the following topic areas:

1. Crosscutting topics relating to the energy sector industrial base
2. Solar PV Technology
3. Wind Energy Technology
4. Energy Storage Technology
5. Electric Grid—Transformers and HVDC
6. Hydropower and Pumped Storage Technology
7. Nuclear Energy Technology
8. Fuel Cells and Electrolyzers
9. Semiconductors
10. Neodymium Magnets
11. Platinum Group Metals and other materials used as Catalysts
12. Carbon Capture, Storage, and Transportation Materials
13. Cybersecurity and Digital Components
14. Commercialization and Competitiveness

**Questions for Input**

This RFI is an initial step in improving DOE understanding of interests, concerns, challenges, and policy needs of the private sector and communities at large, with respect to manufacturing supply chains of the evolving energy sector industrial base. This RFI is a general solicitation for public input, which sets forth topics for discussion and comment. Specific questions to which responses are requested for each focus area are listed below. *Respondents may provide input regarding any or all the topic areas* and may address any or all the questions.

**Area 1: Crosscutting Topics Relating to the Energy Sector Industrial Base**

The concept of the ''energy sector industrial base'' as a defined group of critical industry partners does not currently exist in the same way that it does for the Defense Industrial Base. The one-year reports responding to Executive Order 14017 present an opportunity to define the energy sector industrial base.

This section targets crosscutting/technology neutral input; for technology specific comments, please respond in the respective technology in Area 2 to Area 13.

1. How would you define the energy sector industrial base? For the purposes of informing comprehensive supply chain policies—including promoting supply chain resilience—what entities are included or not included in the energy sector industrial base?

2. For adoption of clean energy technologies in the United States, what are the crosscutting vulnerabilities and gaps in the supply chain and manufacturing capabilities given the likely ramp-up in demand for these technologies?

3. What are opportunities to expand domestic energy-related manufacturing in the United States? What conditions will lead manufacturers to reshore or expand domestic clean energy manufacturing?

4. How can the government partner with the private sector and communities to build domestic energy manufacturing capabilities? What investments and other policy mechanisms are needed to enable these partnerships?

5. How can policies and programs that support domestic energy manufacturing also support workforce opportunities and the creation of competitive, long-term manufacturing careers, especially for communities impacted by energy transition?

**Area 2: Solar PV Technology**

1. What are the current and future supply chain gaps and vulnerabilities as we scale up the adoption and use of solar PV technologies? Of these gaps and vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Where in the solar PV supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and the long-term, and why? Where in the supply chain do you see opportunities for the U.S. to build durable domestic capabilities of solar PV manufacturing? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize opportunities to build domestic solar PV manufacturing? What conditions are needed to help incentivize companies involved in the solar PV supply chains to build and expand domestic manufacturing capabilities?

4. How can government (federal, state, local, and Tribal) help the private sector and communities involved in solar PV manufacturing build and expand domestic solar PV manufacturing in the U.S.? What investment and policy actions are needed to support domestic manufacturing of solar PV?

5. What specific skills are needed for the workforce to support the solar PV manufacturing supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the solar PV workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training

activities? What new education programs should be included (developed?) to prepare the workforce?

6. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 3: Wind Energy Technology**

The following questions may have different applicability to land-based wind and offshore wind. In your response, please note whether the response is applicable to land-based wind, offshore wind, or both.

1. What are the current and future supply chain vulnerabilities as we scale up the adoption and use of wind energy technologies? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Where in the wind energy technology supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and the long-term, and why? Where in the supply chain do you see opportunities for the U.S to build domestic capabilities of wind energy technology manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize these opportunities to attract or expand land-based or offshore wind energy technology manufacturing in the U.S.? What conditions are needed to help incentivize companies involved in the wind energy technology supply chains to both attract and expand wind energy technology manufacturing in the U.S.?

4. How can the federal government help the private sector and interested communities attract and expand land-based or offshore wind energy technology manufacturing in U.S.? What investment and policy actions are needed to support domestic manufacturing of wind energy technologies?

5. In implementing policy to support expansion of the domestic wind energy technology supply chain, how should the federal government prioritize tier 1 (major components such as nacelles, blades, towers, or offshore foundations) and lower-tier (other components, subcomponents, raw and processed material inputs) manufacturing? Do you agree with this tiering? If not, why?

6. What specific skills are needed for the workforce to support wind (onshore and offshore) energy technology manufacturing supply chains? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the wind energy workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

7. How can the federal government most effectively expand and improve logistics networks for large wind energy technology components, both land-based and offshore? For land-based wind energy technology, how could the federal government ease transportation of large components across jurisdictions (*e.g.,* R&D to modularize components, funding for permit harmonization, funding for specific infrastructure improvements to allow for greater throughput and/or movement of larger components)? For offshore wind energy technology, how can the federal government best support the development of Jones Act-compliant vessels and necessary port infrastructure?

8. How can the federal government most effectively support increasing circularity (collection and reuse, remanufacturing or refurbishing, and recycling) in wind energy technologies and supply chains, especially for rare-earth element magnets and hard-to-recycle components such as blades?

9. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 4: Energy Storage Technology**

1. What are the current and future supply chain vulnerabilities as we scale up the adoption and use of energy storage technologies? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Which storage technologies have the greatest chance of achieving long-duration storage targets (>10 hours) and what specific supply chain vulnerabilities are present for these technologies?

3. Where in the energy storage technology supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and long-term, and why? Where in the supply chain do you see opportunities for the U.S to build domestic capabilities of energy storage technology manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

4. What challenges limit the U.S.'s ability to realize these opportunities to build domestic energy storage technology manufacturing? What conditions are needed to help incentivize companies involved in the energy storage technology supply chains to build and expand domestic manufacturing capabilities?

5. How can government help the private sector and communities involved in energy storage technology manufacturing build and expand domestic manufacturing? What investment and policy actions are needed to support domestic manufacturing of energy storage technologies?

6. What specific skills are needed for the workforce to support the energy storage technology manufacturing supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the energy storage technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

7. How can the government help increase the market demand for responsibly sourced materials (*e.g.,* sustainable or recycled) for energy storage technologies? What mechanisms exist to encourage the use of these materials and recycling/reuse solutions? How can the federal government most effectively support increasing circularity (collection, reuse or processing, and recycling) in energy storage technologies and supply chains?

8. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Topic Area 5: Electric Grid—Transformers and HVDC**

1. What are the current and future supply chain vulnerabilities given the anticipated growth in demand for electric grid technologies to support decarbonization, particularly large power transformers (LPT) and high-voltage, direct current technology (HVDC)? Of the vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Where in the supply chain does it make sense for the U.S to focus and prioritize its efforts both in the short-term and the long-term, and why? Where in the supply chain do you see opportunities for the U.S to build domestic capabilities of LPT and HVDC manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize these opportunities to build domestic LPT and HVDC manufacturing? What conditions are needed to help incentivize companies involved in the LPT and HVDC supply chains to build and expand domestic manufacturing capabilities?

4. How can government help the private sector and communities involved in energy storage manufacturing build and expand domestic manufacturing capabilities? What investment and policy actions are needed to support domestic manufacturing of LPT and HVDC?

5. What specific skills are needed for the workforce to support the LPT and HVDC manufacturing supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the LPT and HVDC workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

6. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 6: Hydropower and Pumped Storage Technology**

* Hydropower refers to hydropower and pumped storage hydropower.

1. What are the current and future supply chain vulnerabilities given the anticipated growth in demand for hydropower technology to support decarbonization? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Are there any hydropower generation plant components that are critical to operations and depend on extended supply chains (*e.g.,* long time needed to procure a replacement for the component)? Do any of the critical-to-operation components with extended supply chains have a high risk of failure or the potential to negatively impact entire plant operations? Which components are harder to procure domestically (meaning domestically manufactured) and typically need to be imported?

3. Do you have concerns about ''extinct'' supply chains where components need to be produced on an ad hoc basis from bespoke component developers? Are there components that have a long lead time because they have to be fabricated? Are components (*e.g.,* programmable logic controllers (PLCs)) being replaced before the end of their useful life because of supply chain risks (*e.g.,* manufacturers no longer supporting certain legacy equipment, not producing replacement parts for it anymore)?

4. For components that are not unique to hydropower plants (*e.g.,* batteries, transformers), have there been shortages or difficulties for hydropower plants to secure the components due to competition from other uses within the electric generation sector (*e.g.,* wind and solar generation, batteries for grid storage)?

5. Where in the supply chain does it make sense for the U.S to focus and prioritize its efforts both in the short-term and long-term, and why? Where in the supply chain do you see opportunities for the U.S. to build the domestic supply chain of hydropower technology component manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

6. What challenges limit the U.S.'s ability to realize these opportunities for domestic hydropower technology component manufacturing in the U.S.? What conditions are needed to help incentivize companies involved in the hydropower technology components manufacturing to build and expand operations in the U.S.?

7. How can government help the private sector and communities involved in hydropower components manufacturing onshore and scale up hydropower components manufacturing in the U.S.? What investment and policy actions are needed to support domestic manufacturing of hydropower technology component manufacturing?

8. What specific skills are needed for the workforce to support the hydropower technology manufacturing supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the hydropower workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

9. How are hydropower plant components disposed of at the end of their operational life? Are there practices already in place or being considered to contribute to a circular economy [1] approach involving recycling? What barriers are associated with recycling and reuse of hydropower components? How can the federal government most effectively support increasing circularity (collection, reuse or processing, and recycling) of hydropower components?

10. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 7: Nuclear Energy Technology**

1. What are the current and future supply chain vulnerabilities as we continue operation of existing commercial nuclear reactors and accelerate the deployment of new reactor technologies? Of these vulnerabilities, which are the most

[1] ''Circular economy—is an industrial system that is restorative or regenerative by intention and design.'' Circular economy aims to reduce waste of resources by maximizing use, recovery, reuse, and recycling of products. *https://reports.weforum.org/toward-the-circular-economy-accelerating-the-scale-up-across-global-supply-chains/from-linear-to-circular-accelerating-a-proven-concept/.*

crucial for the U.S. to address and focus on and why?

2. Where in the supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and long-term, and why? Where in the supply chain do you see opportunities for the U.S. to build domestic capabilities of nuclear energy technology manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize these opportunities to build the domestic nuclear energy technology supply chain? What conditions are needed to help incentivize companies involved in the nuclear energy technology supply chain to build and expand domestic manufacturing capabilities?

4. How can government help the private sector and communities involved in nuclear energy technology manufacturing build and expand domestic manufacturing? What investment and policy actions are needed to support onshoring the nuclear energy supply chain?

5. What specific skills are needed for the workforce to support the nuclear energy technology supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the nuclear energy technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

6. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 8: Fuel Cells & Electrolyzers**

1. What are the current and future supply chain vulnerabilities for fuel cells and electrolyzers? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. Where in the fuel cell and electrolyzer supply chain does it make sense for the U.S to focus and prioritize its efforts in the short-, medium-, and long-term and why? Where in the supply chain do you see opportunities for the U.S. to build domestic capabilities of fuel cell and electrolyzer manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the ability to expand domestic fuel cell and electrolyzer manufacturing capacity?

4. What conditions (economic drivers, policies, or investment) are needed to help incentivize companies involved in the fuel cell and electrolyzer supply chains to build and expand domestic manufacturing capabilities? What will be needed to double and eventually increase manufacturing capacity by an order of magnitude?

5. What conditions (economic drivers, policies, or investment) are needed to ensure the long-term health of domestic fuel cell and electrolyzer supply chains? What will be needed to prevent future issues in that supply chain?

6. How can the U.S. government help the fuel cell and electrolyzer industry build and expand domestic manufacturing capabilities? What economic drivers, investment, and policy actions will help accelerate domestic fuel cell and electrolyzer manufacturing?

7. What conditions (economic drivers, policies, or investment) are needed to increase recycling/re-use of critical materials and components for fuel cells and electrolyzers and minimize supply disruptions? How can the U.S. government facilitate the reduction of critical material requirements and increase recyclability at end-of-life for fuel cells and electrolyzers?

8. What specific skills are needed for the workforce to support the fuel cell and electrolyzer supply chain? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the fuel cell and electrolyzer technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

9. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 9: Semiconductors**

1. What is the current state of U.S. and global supply chains for both conventional semiconductors used in data and sensor applications related to the energy sector and wide bandgap semiconductors used for controlling power flow in power electronics applications? What are the current and future semiconductor supply chain vulnerabilities as we scale up our efforts to transform the energy sector (energy supply, energy efficiency, demand technologies, grid, fuels, etc.) to support decarbonization? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why?

2. For both conventional and wide bandgap semiconductors used in the energy sector, where in the supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and the long-term, and why? Where in the supply chain do you see opportunities for the U.S. to build domestic capabilities for semiconductors manufacturing? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in the supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize opportunities to build domestic semiconductor manufacturing? What conditions are needed to help incentivize companies involved in the semiconductor supply chains to build domestic manufacturing capabilities and scale up manufacturing? How do these challenges and conditions differ between conventional and wide bandgap semiconductors?

4. How can government help private sector and communities involved in semiconductor manufacturing build domestic manufacturing capabilities and scale up semiconductor manufacturing? What specific government policies or investments will be most important in supporting semiconductor manufacturing and supply chain resilience?

5. What are opportunities for improving energy efficiency in semiconductors? How can the government help the private sector achieve competitive advantages in domestic manufacturing of more energy efficient semiconductors?

6. What specific skills are needed for the workforce to support semiconductor manufacturing? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the semiconductor technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

7. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 10: Neodymium Magnets**

1. What are the current and future supply chain vulnerabilities as we scale up our efforts to the transform the energy sector to support decarbonization (such as significant increases in demand for magnets in direct drive or hybrid wind turbines and traction motors for electric vehicles)? Of these vulnerabilities, which are the most crucial for the U.S. to address and focus on and why? Are there supply chain vulnerabilities associated with manufacturing equipment, and, if so, what are they?

2. Where in the supply chain does it make sense for the U.S. to focus and prioritize its efforts both in the short-term and long-term and why? Where in the supply chain do you see opportunities for the U.S. to build domestic capabilities for manufacturing neodymium magnets—with an emphasis on the manufacturing of sintered neodymium-iron-boron magnets used in electric vehicle traction motors and wind turbine drives? What areas of the supply chain should the U.S. not prioritize for attraction or expansion of domestic manufacturing capabilities, and why? For areas in supply chain where U.S. opportunities to build domestic manufacturing capabilities are limited, which foreign countries or regions should the U.S. government prioritize for engagement to strengthen/build reliable partnerships, and what actions should the government take to help ensure resilience in these areas of the supply chain?

3. What challenges limit the U.S.'s ability to realize these opportunities to build domestic neodymium magnets manufacturing? What conditions are needed to help incentivize companies involved in the neodymium magnets supply chains to build and expand domestic manufacturing capabilities?

4. What factors are necessary to promote resiliency in different stages of the magnet supply chain for neodymium magnets, and how can the U.S. government incentivize these factors?

5. How can government help the private sector and communities involved in neodymium magnet manufacturing build and expand domestic manufacturing capabilities? What specific government policies or investments will be most important in supporting neodymium magnets manufacturing and supply chain resilience?

6. What specific skills are needed for the workforce to support magnet manufacturing? How long does it take to train this workforce? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the magnet technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

7. What happens to neodymium magnets when associated end products reach the end-of-life? What barriers, if any, exist in collection of magnets containing products for eventual recycling or recovery? How can the federal government most effectively support increasing circularity (collection, reuse or processing, and recycling) of neodymium magnets?

8. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 11: Platinum Group Metals Catalysts**

1. What are the current and future supply chain vulnerabilities of platinum group metals (PGM) catalysts as we scale up the adoption and use of industrial decarbonization technologies and energy storage technologies, including fuel cell, electrolyzer, and chemical manufacturing technologies?

2. Where in the PGM catalysts supply chain does it make sense for the U.S. to focus and prioritize its efforts both in short-term and long-term and why?

3. If the U.S. had domestic PGM separation capacity, to what extent would this improve the ability of domestic mines (or secondary producers) to be competitive? To what extent would this improve the ability of domestic catalyst producers to be more competitive?

4. How can government help private sector and communities scale up the production of PGM catalysts needed for manufacturing in the U.S.? What specific government policies or investments will be most important in supporting PGM catalysts manufacturing for industrial decarbonization technologies, energy storage applications, and supply chain resilience?

5. How do the compositions and manufacturing processes of PGM catalysts for fuel cells and electrolyzers differ from those of PGM catalysts used in catalytic converters? How difficult is it for catalyst manufacturing facilities to produce multiple types of catalysts?

6. What is the recovery and reuse potential of PGM used in catalytic converter, fuel cell, electrolyzer, and chemical manufacturing technologies? What technological challenges exist to recover PGM from catalysts and incorporate PGM into different applications of catalysts? What are the areas of opportunities for the U.S. to onshore the supply chain of PGM manufacturing for catalytic applications, including catalytic converters, fuel cells, electrolyzer technologies, and chemical manufacturing?

7. What happens to PGM catalysts when fuel cells and electrolyzers reach the end-of-life? Are there any known barriers to recycling materials from electrolyzers and fuel cells at the end-of-life? How does recycling of PGM from electrolyzers and fuel cells differ from recycling PGM from catalytic converters? How can the federal government most effectively support increasing circularity (collection, reuse or processing, and recycling) of PGM catalysts?

8. What specific skills are needed for the workforce to support PGM catalyst manufacturing? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the PGM catalyst workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

9. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 12: Carbon Capture, Conversion, Transport, and Storage Materials**

1. Which materials do you consider critical for carbon capture, conversion, transport, and storage technologies? Will this change as the U.S. scales up deployment over the next 30 years? Are there substitutes for these materials, and can they be ready for large scale deployment in 10, 20 years? What policies or government actions can help incentivize domestic production of these critical materials as well as production of substitutes?

2. For carbon capture, what materials are needed for the commercial and emerging separation process and balance of plant? What is the current domestic and global capacity to manufacture these materials, and is growth reasonable to meet demand in the next 10 to 20 years?

3. For carbon conversion, what materials are necessary for the transformation of $CO_2$ into other products? Are catalysts and reactants readily available in the market? Are there known barriers to the availability or scaling up for the market to provide the materials if adopted at scales necessary to decarbonize?

4. For transport, are there specific critical materials necessary for the coating and compressors for pipeline infrastructure systems? Are there supply chain issues related to obtaining these materials?

5. For carbon storage, what are the specific critical materials necessary for non-reactive cements and well bore casings necessary to meet the existing underground injection control regulations? Are there barriers to increasing supply and manufacturing capacity for rapid deployment of carbon capture and storage?

6. What are the current and future supply chain vulnerabilities as the U.S. scales up the adoption and use of the carbon capture and conversion technologies needed to transform the energy and manufacturing sectors to a low carbon future? Of these vulnerabilities, which are the most crucial for the U.S. to address and why?

7. Which carbon capture, conversion, transport, and storage materials should the government focus and prioritize its efforts on both in the short-term and the long-term, and why?

8. What specific skills are needed for the workforce to support production of carbon capture, conversion, transport, and storage materials or critical materials production in general? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the carbon capture and utilization technology workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

9. What other input should the federal government be aware of to support a resilient supply chain of this technology?

**Area 13: Cybersecurity and Digital Components**

For purposes of this supply chain review, digital components in the energy sector industrial base include firmware, software, virtual platforms and service, data, and industrial control systems. Please include any comments on this scoping in your response.

1. How should the government approach hardening of digital component supply chains for the energy sector industrial base against physical and virtual tampering and national security threats? How should the federal government prioritize protection of digital component supply chains?

2. Cyber threats to the critical infrastructure, including an explosion in Ransomware attacks, is a growing national security concern that can be enabled through digital component supply chain vulnerabilities, and there are several national initiatives underway to counter this threat. Are there energy sector-specific considerations or priorities the government should consider to support hardening of digital component supply chains against cyber threats including the use of ransomware?

3. What steps should the government take to improve the trustworthiness of digital components in the energy sector industrial base and reduce reliance on untrusted software suppliers, integrators, and maintenance?

4. Global digital component supply chains are highly dynamic and complex. What policies should the government pursue to illuminate provenance of digital components in energy sector systems? For example, who developed software, or hosts digital platforms, or curated data sets, and in what country? Who maintains these digital assets (if anyone) and who may have continuing access for maintenance? How should the government approach prioritizing digital components and/or systems to illuminate or examine components to manage supply chain risk?

5. Providers of digital components may not have the same supply chain security requirements as asset owners in the energy sector. Given the interconnected nature and transitive risk among different digital components that comprise energy sector systems, how should the government address gaps and/or ensure consistency for supply chain security requirements for digital components?

6. An increasing trend in the energy sector is remote operation of systems. What policy steps should the government take to ensure the supply chain security of platforms and services used to operate critical functions in the energy sector?

7. Aggregated and curated data has become a valuable global commodity (*e.g.,* data as a service) and is now a critical part of global digital supply chains. Data presents a cyber supply chain risk similar to that posed by software; specifically, malicious manipulation can cause significant and nearly impossible-to-detect system failures. With the increasing application of artificial intelligence/machine learning capabilities to energy sector systems, what policy steps could the government take to manage the cyber supply chain risk of data?

8. How can the government encourage and/or incentivize private sector owners and operators of energy sector critical infrastructure to include more national security risk considerations in their business risk decisions?

9. What specific skills are needed to develop and increase the workforce to support building, operating, and maintaining secure digital components for the energy sector industrial base? For example, is there a skills gap and/or supply gap in the workforce that develops and maintains software for industrial control systems? Of those skills, which ones are lacking in current education/training programs? What resources (including time) and structures would be needed to train the cybersecurity workforce? What worker groups, secondary education facilities, and other stakeholders could be valuable partners in these training activities? What new education programs should be included (developed?) to prepare the workforce?

10. What other input the should the federal government be aware of to support a resilient supply chain of cybersecurity and digital components?

**Area 14: Commercialization and Competitiveness**

1. What data, methodologies, and metrics can help assess current and future competitive advantages for clean energy technologies?

2. What existing economic and market analysis do you rely on to assess current

and projected technology market demand?

3. Where do you see opportunities for government actions to shift business-as-usual investment and market trends in a way that is supportive of resilient domestic supply chains?

4. For what clean technologies and applications does the U.S. currently have a competitive advantage over other countries?

5. For what clean technologies and applications is the U.S. significantly at a disadvantage over other countries? What moves are other governments making to increase their advantage over the U.S.?

6. Where might additional federal investment or policy support U.S. leadership in particular clean technology categories or sectors in the next ten years? What specific investment or policy action will be needed to support these technologies?

7. What frameworks can help assess the relative competitiveness and commercialization potential of various clean technologies?

8. What do you see as important nascent markets and technologies that may see significant growth in the next 10–15 years? What specific policies can help support U.S. leadership in these technologies and sectors?

9. Given the complexity of global supply chains, how do you assess the costs and benefits of various global supply chain patterns and dynamics, including concentrations of supply and demand?

10. How do U.S. trade policies impact the commercialization and competitiveness of clean technologies in the U.S.? Where might changes to trade policy positively impact U.S. competitiveness in clean tech sectors?

11. What new and innovative actions can the government take to encourage commercialization of U.S. innovation and increase U.S. competitiveness?

12. What non-economic and non-financial factors are most significant in determining U.S. competitiveness in a given clean technology sector?

**Response Preparation and Transmittal Instructions**

Submit all electronic public comments to this RFI to *www.regulations.gov/docket/DOE-HQ-2021-0020.* Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments. If you are unable to submit online, you may submit by email to *supplychain@hq.doe.gov.* Responses must be received by 5:00 p.m. on January 15, 2022, for immediate consideration. Only electronic responses will be accepted. Comments and documents submitted will be posted to *https://www.regulations.gov.*

Please identify your answers by responding to a specific question or topic, if applicable. Please clearly state the specific question to which you are responding. All assumptions, including any assumed government support, shall be clearly identified. All proprietary and restricted information shall be clearly marked. Respondents may answer as many or as few questions as they wish. DOE will not respond to individual submissions. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

*Submitting comments via email.* Please include in the subject line ''RFI: Supply Chain Review.''

Responses must be provided as attachments to an email.

It is recommended that attachments with file sizes exceeding 25MB be compressed (*i.e.,* zipped) to ensure message delivery; however, no email shall exceed a total of 45MB, including all attachments. Responses must be provided as a Microsoft Word (.docx) or Portable Document Format (.pdf) attachment to the email, and no more than 10 pages in length, 12-point font, 1-inch margins. Please provide the following information in a cover letter:

- Community, organization, or company (if applicable)
- Contact name
- Contact's address, phone number, and email address

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. The cover letter will not be publicly viewable as long as it does not include any comments.

*Submitting comments via https://www.regulations.gov.* The *https://www.regulations.gov* web page requires you to provide your name and contact information. Your contact information will be viewable to DOE 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 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. 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 *https://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 *https://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 *https://www.regulations.gov* before posting. Please keep the comment tracking number that *https://www.regulations.gov* provides after you have successfully uploaded your comment.

**Disclaimer and Important Note**

This RFI is not a Funding Opportunity Announcement (FOA), prize, or any other type of solicitation; therefore, DOE is not accepting applications at this time. DOE may issue a FOA or other solicitation in the future based on or related to the content and responses to this RFI; however, DOE may also elect not to issue a FOA or solicitation. There is no guarantee that a FOA or solicitation will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if DOE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of DOE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development. This RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. DOE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. DOE will not provide reimbursement for costs incurred in responding to this RFI.

Respondents are advised that DOE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind DOE to any further actions related to this topic.

*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. Submit these documents via email. 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).

**Signing Authority**

This document of the Department of Energy was signed on November 18, 2021, by Carla Frisch, Acting Executive Director and 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 November 23, 2021.

**Treena V. Garrett,**

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

[FR Doc. 2021–25898 Filed 11–26–21; 8:45 am]

**BILLING CODE 6450–01–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:* EC22–18–000.
*Applicants:* FL Solar 5, LLC.
*Description:* Application for Authorization Under Section 203 of the Federal Power Act of FL Solar 5, LLC.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5279.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* EC22–19–000.
*Applicants:* Meadow Lake Solar Park LLC, Indiana Crossroads Solar Generation LLC.
*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Meadow Lake Solar Park LLC, et al.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5283.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* EC22–20–000.
*Applicants:* Dunns Bridge Solar Center, LLC, Dunn's Bridge I Solar Generation LLC.
*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Dunns Bridge Solar Center, LLC, et al.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5285.
*Comment Date:* 5 p.m. ET 12/10/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER20–2133–002.
*Applicants:* ISO New England Inc., Versant Power.
*Description:* Compliance filing: ISO New England Inc. submits tariff filing per 35: Versant Power; Docket No. ER20–2133—Joint Offer of Settlement; Order No. 864 to be effective 6/1/2020.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5087.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER21–530–002.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* Compliance filing: 2021–11–22_MISO Compliance Filing re Schedule 49 Settlement to be effective 2/1/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5186.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER21–1280–000.
*Applicants:* Southern California Edison Company.
*Description:* Southern California Edison Company submits Morongo Transmission Annual Formula Transmission Rate Filing for Rate Year 2022.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5282.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* ER22–450–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Tariff Amendment: Notice of Cancellation of ICSA, SA No. 4402; Queue No. AA1–095 to be effective 11/2/2020.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5241.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* ER22–451–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: PJM submits revisions to Operating Agreement regarding CISO Avoidance to be effective 1/19/2022.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5254.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* ER22–452–000.
*Applicants:* Wheeling Power Company.
*Description:* § 205(d) Rate Filing: New Mitchell Plant Agreements: Ownership; Operation and Maintenance to be effective 1/19/2022.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5269.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* ER22–453–000.
*Applicants:* Kentucky Power Company.
*Description:* § 205(d) Rate Filing: New Mitchell Plant Agreements Concurrence to be effective 1/19/2022.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5001.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–454–000.
*Applicants:* Entergy Louisiana, LLC, Entergy Services, LLC.
*Description:* Request for Limited Waiver of Entergy Louisiana, LLC.
*Filed Date:* 11/19/21.
*Accession Number:* 20211119–5276.
*Comment Date:* 5 p.m. ET 12/10/21.

*Docket Numbers:* ER22–455–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5984; Queue Nos. AC1–174/AC1–175 to be effective 2/11/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5067.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–456–000.
*Applicants:* Indra Power Business MA LLC.
*Description:* Baseline eTariff Filing: Tariffs and Agreements to be effective 1/22/2022.

*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5115.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–457–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 2021–11–15_SA 3393 Ameren IL-Sapphire Sky Wind 2nd Rev GIA (J826 J1022) to be effective 11/15/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5137.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–458–000.
*Applicants:* Southern California Edison Company.
*Description:* § 205(d) Rate Filing: LGIA Cyclone Solar TOT806 SA No 274 to be effective 11/23/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5140.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–459–000.
*Applicants:* PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: PPL Electric Utilities Corporation submits tariff filing per 35.13(a)(2)(iii: PPL Electric submits SA No 6222 Construction Agreement with Borough of Weatherly to be effective 11/23/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5149.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–460–000.
*Applicants:* PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: PPL Electric Utilities Corporation submits tariff filing per 35.13(a)(2)(iii: PPL Electric submits SA No 6223 Construction Agreement with Schuylkill Haven to be effective 11/23/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5152.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–461–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* Compliance filing: 2021–11–22_Waiver Request on SER–II Ineligibility to Provide Offline STR to be effective N/A.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5168.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–462–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 2021–11–22_SER–II Ineligibility to Provide Offline STR to be effective 12/7/2021.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5169.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–463–000.
*Applicants:* Wisconsin Public Service Corporation.
*Description:* § 205(d) Rate Filing: Agent Services Agreement Filing to be effective 1/22/2022.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5187.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–464–000.
*Applicants:* Indra Power Business MD LLC.
*Description:* Baseline eTariff Filing: Tariffs and Agreements to be effective 1/22/2022.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5209.
*Comment Date:* 5 p.m. ET 12/13/21.

*Docket Numbers:* ER22–465–000.
*Applicants:* Tri-State Generation and Transmission Association, Inc.
*Description:* § 205(d) Rate Filing: Amendment to Rate Schedule No. 812 to be effective 2/25/2020.
*Filed Date:* 11/22/21.
*Accession Number:* 20211122–5221.
*Comment Date:* 5 p.m. ET 12/13/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 22, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–25942 Filed 11–26–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2290–122]**

### Southern California Edison Company; Notice of Intent To File License Application, Filing of Pre Application Document (Pad), Commencement of Pre Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.
b. *Project No.:* 2290–122.
c. *Dated Filed:* September 22, 2021.
d. *Submitted By:* Southern California Edison Company (SCE).
e. *Name of Project:* Kern River No. 3 Hydroelectric Project (Kern 3 Project).
f. *Location:* The project is located on the North Fork Kern River and on Salmon and Corral Creeks in Kern and Tulare Counties, California. The existing FERC project boundary encompasses a total of 234.6 acres of land, consisting of 9.4 acres of land owned by SCE and 225.2 acres of federal land in Sequoia National Forest administered by the U.S. Forest Service.
g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.
h. *Potential Applicant Contact:* Martin Ostendorf, Senior Manager, Southern California Edison Company, 1515 Walnut Grove Avenue, Rosemead, CA 91770; (559) 893–2033; *martin.ostendorf@sce.com.*
i. *FERC Contact:* Quinn Emmering at (202) 502–6382 or email at *quinn.emmering@ferc.gov.*
j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).
k. *With this notice, we are initiating informal consultation with:* (a) The U.S. Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and (b) the State

Historic Preservation Office, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating SCE as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. SCE filed with the Commission a Pre-Application Document (PAD), including a proposed process plan and schedule, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. 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 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 FERC at *FERCONlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *https://ferconline.ferc.gov/FERC.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2290–122.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by January 20, 2022.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

**Scoping Meetings**

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. Additionally, a virtual site tour of the Kern 3 Project is available on SCE's website. The dates and times of the meetings as well as how to access the virtual site tour are listed below.

*Virtual site tour of the project:* Access online at: *www.sce.com/regulatory/hydro-licensing/kr3.*

*Meeting for resource agencies, Tribes, and NGOs:* Tuesday, December 14, 2021, 9:00 a.m.–12:00 p.m. PST. Call in number: (415) 527–5035. Access code: 2762 739 2357. When prompted for attendee ID: Press #.

*Meeting for the general public:* Tuesday, December 14, 2021, 6:00 p.m.–8:00 p.m. PST. Call in number: (415) 527–5035. Access code: 2762 506 0330. When prompted for attendee ID: Press #.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and SCE's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

**Meeting Objectives**

At the scoping meetings, Commission staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the potential of any federal or state agency or Indian tribe to act as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

**Meeting Procedures**

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above. After calling the phone number listed above, enter the correct access code and when prompted to enter the attendee ID press the '#' button (no ID number is required). All participants will be automatically muted upon joining the meeting.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for comments and questions. We ask for your patience as staff present information and field participant

comments in orderly manner. To indicate you have a question or comment, press * and 3 to virtually ''raise your hand''. Oral comments will be limited to 5 minutes in duration for each participant. The meetings will be recorded by a stenographer and will be filed to the public record of the project.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants have presented their oral comments or at the specified end time, whichever occurs first.

Dated: November 22, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–25940 Filed 11–26–21; 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:* RP22–334–000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: REX 2021–11–19 GT&C Section 11.3 Revisions to be effective 12/19/2021.

*Filed Date:* 11/19/21.

*Accession Number:* 20211119–5201.

*Comment Date:* 5 p.m. ET 12/1/21.

*Docket Numbers:* RP22–335–000.

*Applicants:* Cheyenne Connector, LLC.

*Description:* § 4(d) Rate Filing: CC 2021–11–19 GT&C Section 11.3 Revisions to be effective 12/19/2021.

*Filed Date:* 11/19/21.

*Accession Number:* 20211119–5203.

*Comment Date:* 5 p.m. ET 12/1/21.

*Docket Numbers:* RP22–336–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rates Filing—Noble to Direct Energy to be effective 12/1/2021.

*Filed Date:* 11/19/21.

*Accession Number:* 20211119–5222.

*Comment Date:* 5 p.m. ET 12/1/21.

*Docket Numbers:* RP22–337–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: TEAM 2014 Project Historical Capacity Releases to be effective 12/1/2021.

*Filed Date:* 11/19/21.

*Accession Number:* 20211119–5257.

*Comment Date:* 5 p.m. ET 12/1/21.

*Docket Numbers:* RP22–338–000.

*Applicants:* Iroquois Gas Transmission System, L.P.

*Description:* § 4(d) Rate Filing: 11.22.21 Negotiated Rates—Equinor Natural Gas LLC R–7120–14 to be effective 12/1/2021.

*Filed Date:* 11/22/21.

*Accession Number:* 20211122–5064.

*Comment Date:* 5 p.m. ET 12/6/21.

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.

**Filings in Existing Proceedings**

*Docket Numbers:* RP20–614–006.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description: Refund Report:* Cash Out Refund Report Supplement Docket Nos. RP20–614 & RP20–618 to be effective N/A.

*Filed Date:* 11/19/21.

*Accession Number:* 20211119–5022.

*Comment Date:* 5 p.m. ET 12/1/21.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

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: November 22, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–25941 Filed 11–26–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. AD21–15–000]**

### Joint Federal-State Task Force on Electric Transmission; Notice Inviting Post-Meeting Comments

On November 10, 2021, the Joint Federal-State Task Force on Electric Transmission convened for its first public meeting.

All interested persons are invited to file post-meeting comments to address issues raised during the meeting and identified in the Agenda issued October 27, 2021. Comments must be submitted on or before 30 days from the date of this Notice.

Comments may be filed electronically via the internet.[1] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For more information about this Notice, please contact:

Michael Cackoski (Technical Information), Office of Energy Policy and Innovation, (202) 502–6169, *Michael.Cackoski@ferc.gov*

Gretchen Kershaw (Legal Information), Office of the General Counsel, (202) 502–8213, *Gretchen.Kershaw@ferc.gov*

Dated: November 22, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2021–25939 Filed 11–26–21; 8:45 am]

**BILLING CODE 6717–01–P**

[1] *See* 18 CFR 385.2001(a)(1)(iii) (2020).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Proposed Collection Renewal; Comment Request [OMB No. 3064–0025; –0028; –0134]

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Agency information collection activities: Submission for OMB Review; comment request.

**SUMMARY:** The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0025; –0028; and –0134).

**DATES:** Comments must be submitted on or before December 29, 2021.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

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:** Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:**

*Proposal to renew the following currently approved collections of information:*

1. *Title:* Application for Consent to Exercise Trust Powers.

*OMB Number:* 3064–0025.

*Form Number:* 6200–09.

*Affected Public:* Insured state nonmember banks wishing to exercise trust powers.

*Burden Estimate:*

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDENS

[OMB No. 3064–0025]

| IC description | Type of burden (obligation to respond) | Frequency of response | Number of respondents | Number of responses per respondent | Hours per response | Annual burden (hours) |
|---|---|---|---|---|---|---|
| Eligible depository institutions | Reporting (Required to obtain or retain a benefit) | On occasion | 6 | 1 | 8 | 48 |
| Not-eligible depository institutions | Reporting (Required to obtain or retain a benefit) | On occasion | 1 | 1 | 24 | 24 |
| Total Annual Burden Hours | | | | | | 72 |

Source: FDIC.

*General Description of Collection:* FDIC regulations (12 CFR 333.2) prohibit any insured State nonmember bank from changing the general character of its business without the prior written consent of the FDIC. The exercise of trust powers by a bank is usually considered a change in the general character of a bank's business if the bank did not exercise those powers previously. Therefore, unless a bank is currently exercising trust powers, it must file a formal application to obtain the FDIC's written consent to exercise trust powers. State banking authorities, not the FDIC, grant trust powers to their banks. The FDIC merely consents to the exercise of such powers. Applicants use form FDIC 6200/09 to obtain FDIC's consent. There is no change in the methodology or substance of this information collection. The decrease in total estimated annual burden from 168 hours in 2018 to 72 hours currently is due to economic factors as reflected in the decrease in estimated number of respondents.

2. *Title:* Recordkeeping and Confirmation Requirements for Securities Transactions

*OMB Number:* 3064–0028.

*Form Number:* None.

*Affected Public:* FDIC-Insured Institutions and Certain Employees of the FDIC-Insured Institutions.

*Burden Estimate:*

SUMMARY OF ANNUAL BURDEN

| Information collection description | Type of burden | Obligation to respond | Estimated number of respondents | Estimated frequency of responses | Estimated time per response (hour) | Estimated annual burden (hours) |
|---|---|---|---|---|---|---|
| Maintain Securities Trading Policies and Procedures | Recordkeeping | Mandatory | 691 | 1 | 1 | 691 |
| Officer/Employee Filing of Reports of Personal Securities Trading Transactions—344.9 (assumes 5 officers/employees at each institution with income from securities broker activity). | Third-Party Disclosure. | Mandatory | 2,073 | 4 | 1 | 8,292 |

*Total Estimated Annual Burden:* 8,983 hours.

*General Description of Collection:* The collection of information requirements are contained in 12 CFR part 344. The purpose of the regulation is to ensure that purchasers of securities in transactions affected by insured state nonmember banks are provided with adequate records concerning the transactions. The regulation is also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to the securities transactions they effect. Finally, this regulation requires officers and employees of FDIC-supervised institutions to report to the FDIC

supervised institution certain personal securities trading activity.

Sections 344.4, 344.5, and 344.6 refer to reporting and third party disclosure burdens associated with confirmation of securities transactions. The FDIC assumes that banks automate notifications to customers of securities transactions, and would automate these notifications even if 12 CFR 344 were not in place. The automation includes the recordkeeping and disclosure of the confirmation of securities transactions. As such, FDIC believes that the activities associated with sections 344.4, 344.5, and 344.6 are all done in the ordinary course business, and do not represent PRA burden.

Potential respondents to this IC are all FDIC-supervised institutions that effect securities transactions for customers. Respondents include institutions that conduct securities transactions themselves or that conduct securities transactions through a broker/dealer. To estimate the annual number of respondents, FDIC referenced the number of FDIC-supervised institutions that reported exercising fiduciary powers as of the first quarter of 2021,[1] which is reported on item 2 of Call Report Schedule RC–T.

As of March 31, 2021, 691 FDIC-supervised institutions reported exercising fiduciary powers.[2] These 691 entities are subject to the PRA requirements in 12 CFR 344.8. Thus, FDIC estimates 691 respondents to the line items corresponding to this section. In the previous renewal of this information collection, the FDIC estimated 680 respondents to this IC; this estimate was derived by counting the number of FDIC-supervised institutions with income from securities brokerage activity. The increase in the estimated number of respondents from 680 to 691 is a result of a change in estimation methodology due to a change in the call report reporting requirements.[3]

The line item corresponding to 12 CFR 344.9 applies to officers and employees of FDIC-supervised institutions who ''make investment recommendations or decisions for the accounts of customers; participate in the determination of such recommendations or decisions; or in connection with their duties, obtain information concerning which securities are being purchased or sold or recommend such action.'' [5] Excluded from this requirement are ''transactions for the benefit of the officer or employee over which the officer or employee has no direct or indirect influence or control; transactions in registered investment company shares; transactions in government securities; and all transactions involving in the aggregate $10,000 or less during the calendar quarter.'' [6] The FDIC does not currently have access to data on how many officers or employees are required to report trading activities in which they have a beneficial interest in accordance with Section 344.9. In the estimate for the previous ICR, it was assumed that five officers or employees per FDIC-supervised institution affected by this IC who would respond to this line item. Based on supervisory experience, FDIC believes that most of the smaller FDIC-supervised institutions do not have any personnel subject to Section 344.9.[7] Accordingly, FDIC has reduced the assumed number of officers or employees per FDIC-supervised institution who would respond to this line item from five to three. FDIC therefore estimates 2,073 respondents per year to this line item.[8] This estimate constitutes a decrease of 1,327 in the estimated annual number of respondents to this IC.

Section 344.8 requires FDIC-supervised institutions to establish processes and procedures for assigning responsibility for supervising employees and officers who are involved with processing, documenting, and executing securities transactions for customers, and for ensuring equitable treatment of parties to a security transaction, and of customers who submit orders for the same security or securities at approximately the same time. Policies and procedures are generally reviewed and updated annually. FDIC therefore estimate one response per respondent to this line item as FDIC believes that institutions are more likely to update their policies and procedures annually rather than monthly. This estimate represents a decrease of 11 responses per respondent.

FDIC has also revised its estimate of the time required to respond to the requirements of Section 344.8 to one hour per response. This estimate represents an increase of 0.75 hours per response from the estimate included in the 2018 renewal and is based on the FDIC's experience with this information collection. FDIC estimates one hour per response for the burden related to Section 344.9. This estimate represents a decrease of 0.5 hours per response from the estimate included in the 2018 renewal and is also based on the FDIC's experience with this information collection.

The total estimated annual burden for this information collection is 8,983 hours, which is a decrease of 56,297 hours from the estimate included in the previous renewal.

3. *Title:* Customer Assistance Forms.

*OMB Number:* 3064–0134.

*Form Numbers:* 6422–04; –6422/11; 6422/15.

*Affected Public:* Individuals, Households, Business or Financial Institutions.

SUMMARY OF ANNUAL BURDEN

| Information collection description | Type of burden | Obligation to respond | Estimated number of respondents | Estimated average frequency of response | Estimated time per response (hours) | Estimated annual burden (hours) |
|---|---|---|---|---|---|---|
| Customer Assistance Form (6422/04) | Reporting | Voluntary | 4,737 | 1 | 0.25 | 1,184 |
| Business Assistance Form (6422/11) | Reporting | Voluntary | 225 | 1 | 0.25 | 56 |
| FDIC Deposit Insurance Form (6422/15) | Reporting | Voluntary | 911 | 1 | 0.25 | 228 |

*Total Estimated Annual Burden:* 1,468 hours.

*Burden Estimate:*

*General Description of Collection:* This collection facilitates the collection of information from customers of financial institutions that have inquiries or complaints about service. Customers or businesses may document their complaints or inquiries to the FDIC using a letter or optional forms (Form 6422/04; Form 6422/11; Form 6422/15). The Forms are used to facilitate online completion and submission of the complaints or inquiries and to shorten FDIC response times by making it easier to identify the nature of the complaint and to route the customer or business

[1] RIS variable TREXER.

[2] FDIC Call Report data, March 2021.

[5] 12 CFR 344.9(a).

[6] 1 CFR 344.96b.

inquiry to the appropriate FDIC contact. There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation.

**Request for Comment**

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 22nd day of November 2021.

Federal Deposit Insurance Corporation.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2021–25813 Filed 11–26–21; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

**[OMB No. 3064–0212]**

## Agency Information Collection Activities: Proposed Collection Amendment; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Agency information collection activities: Submission for OMB review; comment request.

**SUMMARY:** The FDIC seeks to continue its engagement and collaboration with innovators in the financial, non-financial, and technology sectors to, among other things, identify, develop and promote technology-driven innovations among community and other banks in a manner that ensures the safety and soundness of FDIC-supervised and -insured institutions. An innovation pilot program framework can provide a regulatory environment in which the FDIC, in conjunction with individual proposals collected from innovators, including banks, will provide tailored regulatory and supervisory assistance, when appropriate, to facilitate the testing of innovative and advanced technologies, products, services, systems, or activities. As part of an innovation pilot program, innovators may request information from banks and other members of the public outside of their normal course of business. Any information provided by banks and other members of the public will be provided on a voluntary basis. FDIC staff may similarly request information on a voluntary basis from banks or other members of the public to evaluate the products or services developed in the pilot programs. The FDIC invites the general public, including persons who may have an interest in participating in innovation pilot programs, and other Federal agencies to comment on the agency's collection of information that may result from innovators obtaining information from banks and other members of the public in connection with innovation pilot programs, as required by the Paperwork Reduction Act of 1995. On September 22, 2021 and September 28, 2021, the FDIC published notices in the **Federal Register** requesting comment for 60 days on a proposal to amend this information collection. One comment was received but did not indicate any changes to be made to the information collection. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the amended information collection, and again invites comment.

**DATES:** Comments must be submitted on or before December 29, 2021.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*
- *Email: comments@fdic.gov.* Include the name of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

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:** Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3078, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** *Proposal to amend the following currently approved collection of information:*

1. *Title:* Information Collection for Innovation Pilot Programs.

*OMB Number:* 3064–0212.

*Form Number:* None.

*Affected Public:* FDIC-supervised and -insured institutions and other members of the public that provide information to innovators in connection with innovation pilot programs.

*Burden Estimate:*

SUMMARY OF ANNUAL BURDEN

| Information collection description | Type of burden | Obligation to respond | Estimated number of respondents | Estimated frequency of responses | Estimated time per response | Estimated annual burden (hours) |
|---|---|---|---|---|---|---|
| Innovation Pilot Programs—Burden on Banks and Other Members of the Public. | Reporting .. | Voluntary ... | 400 | On Occasion | 100 | 40,000 |
| Total Estimated Annual Burden ..... | ..... | ..... | ..... | ..... | ..... | 40,000 |

*General Description of Collection:* The FDIC seeks to engage and collaborate with innovators in the financial, non-financial, and technology sectors to, among other things, identify, develop and promote technology-driven innovations among community and other banks in a manner that ensures the safety and soundness of FDIC-supervised and -insured institutions. An innovation pilot program framework will provide a regulatory environment in which the FDIC, in conjunction with individual proposals collected from innovators, will provide tailored

regulatory and supervisory assistance, when appropriate, to facilitate the testing of innovative and advanced technologies, products, services, systems, or activities.

The FDIC anticipates that products developed as part of innovation pilot programs will improve the efficiency and effectiveness of bank operations, and eventually, examinations, while increasing transparency and ultimately reducing the cost of regulatory compliance for participating institutions. In addition, the FDIC anticipates that proposals provided in connection with the innovation pilot programs will involve cutting-edge innovations and novel approaches or applications involving a banking product, service, system, or activity that benefits and can lead to better outcomes for consumers.

As part of an innovation pilot program, innovators may request information from banks and other members of the public outside of their normal course of business. Any information provided by banks and other members of the public will be provided on a voluntary basis. FDIC staff may similarly request information on a voluntary basis from banks or other members of the public to evaluate the products or services developed in the pilot programs. This information is intended to allow banks and the FDIC to analyze the health of the overall banking system, critical financial sectors, or national, regional or local economic conditions (*i.e.,* horizontal analysis). Additionally, bank specific information may be collected in order to allow for better insights into current and escalating risks across all aspects of banking. In particular, innovators may request from banks and other members of the public general ledger information about all products and services, or a subset of products and services, systems or activities. Information requested will not contain any personally identifiable information (PII) as defined in OMB Circular A–130 or include the disclosure of any financial records or information which is identified with or identifiable as being derived from the financial records of a particular customer.

The annual burden for this information collection is estimated to be 40,000 hours. This represents an increase of hours from the current burden estimate and also a change in focus. In particular, when this information collection was first obtained, it included the burden imposed on the innovators and partner banks. In review of this information collection, the FDIC has decided to transfer the burden imposed on innovators to existing information collection 3064–0072 entitled, ''Acquisition Services Information Requirements,'' which is related to the FDIC's procurement process. The remaining hours in this information collection, which have been updated and increased, reflect the burden imposed on banks and other members of the public in connection with innovation pilot programs.

**Request for Comment**

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on November 23, 2021.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2021–25924 Filed 11–26–21; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Thursday, December 2, 2021 at the conclusion of the open meeting on December 2, 2021.

**PLACE:** 1050 First Street NE, Washington, DC (This meeting will be a virtual meeting).

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Vicktoria J. Allen,**

*Acting Deputy Secretary of the Commission.*

[FR Doc. 2021–26000 Filed 11–24–21; 11:15 am]

**BILLING CODE 6715–01–P**

## FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

**[Docket No. AS21–08]**

### Appraisal Subcommittee Notice of Meeting

**AGENCY:** Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

**ACTION:** Notice of meeting.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for a special meeting:

*Location:* Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. You MUST register in advance to attend this Meeting.

*Date:* December 8, 2021.

*Time:* 11:00 a.m. ET.

*Status:* Open.

**Reports**

Chairman
Executive Director
Grants Director
Financial Manager

**Action and Discussion Items**

Approval of Minutes
  September 15, 2021 Open Session Quarterly Meeting
Notice of Proposed Rulemaking on Temporary Waiver

**How To Attend and Observe an ASC Meeting**

Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.asc.gov*) and access the provided registration link in the What's New box. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing

device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

**James R. Park,**

*Executive Director.*

[FR Doc. 2021–25860 Filed 11–26–21; 8:45 am]

**BILLING CODE 6700–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Advisory Board on Radiation and Worker Health (ABRWH), Subcommittee for Dose Reconstruction Reviews (SDRR), National Institute for Occupational Safety and Health (NIOSH)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Subcommittee for Dose Reconstruction Reviews (SDRR) of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

**DATES:** The meeting will be held on January 19, 2022, from 10:30 a.m. to 4:00 p.m., EST.

Written comments must be received on or before January 12, 2022.

**ADDRESSES:** You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226. Meeting Information: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1–866–659–0537; the pass code is 9933701.

**FOR FURTHER INFORMATION CONTACT:** Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800; Toll Free 1(800) CDC–INFO; Email: *ocas@cdc.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC.

The Advisory Board's charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2020, and will terminate on March 22, 2022.

*Purpose:* The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class. SDRR was established to aid the Advisory Board in carrying out its duty to advise the Secretary, HHS, on dose reconstruction.

Matters to be Considered: The agenda will include discussions on the following dose reconstruction program quality management and assurance activities: Dose reconstruction cases under review from Sets 29 and 30, possibly including cases involving: Nevada test Site, Oak Ridge Institute for Science Education, Rocky Flats Plant, Idaho National Laboratory, Y–12 Plant, Clarksville Modification Center, Pantex Plant, Oak Ridge National Laboratory (X–10), Albuquerque Operations Office, General Atomics, Area IV of the Santa Susanna Field Laboratory, Oak Ridge Gaseous Diffusion Plant (K–25), Savannah River Site (SRS), Hanford, SRS, X–10, Y–12 Plant, and General Steel Industries. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2021–25863 Filed 11–26–21; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Understanding the Value of Centralized Services Study (New Collection)

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing a new data collection activity as part of the Understanding the Value of Centralized Services study. The objective of this descriptive study is to understand the advantages, disadvantages, and costs of centralizing services for individuals and families with low incomes.

**DATES:** *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting

''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**SUPPLEMENTARY INFORMATION:**

*Description:* This descriptive study aims to provide insight into the models that have been used to centralize services; organizations' history of and impetus for centralizing services; the benefits, challenges, and costs of centralizing services from the perspectives of staff and clients; and how organizations have coordinated their centralized services virtually. This project will include site visits to three centralized community resource centers (CCRCs). The proposed information collection activities include interviews with staff, including leadership and administrative staff, frontline staff, finance staff, and IT/data staff, and focus groups with clients. The research team will also conduct observations of program activities.

*Respondents:* Respondents will include leadership and administrative staff at the CCRC, staff who manage finances at the CCRC, staff who manage data and/or technology at the CCRC, staff who provide services directly to clients at the CCRC, and clients who have accessed services at the CCRC.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents (total over request period) | Number of responses per respondent (total over request period) | Avg. burden per response (in hours) | Total/annual burden (in hours) |
|---|---|---|---|---|
| Interview guide for administrative/leadership staff | 18 | 1 | 1.25 | 23 |
| Interview guide for frontline staff | 48 | 1 | 1.25 | 60 |
| Interview guide for finance staff | 9 | 1 | 1 | 9 |
| Interview guide for IT/data staff | 9 | 1 | 1 | 9 |
| Focus group guide for clients | 30 | 1 | 1.5 | 45 |

*Estimated Total Annual Burden Hours:* 146.

*Authority:* Authorized by the Social Security Act 1110 [42 U.S.C. 1310], appropriated by the Continuing Appropriations Act of 2019.

**John M. Sweet Jr.,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021–25946 Filed 11–26–21; 8:45 am]

**BILLING CODE 4184–07–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Prospective Grant of Exclusivity Under Non-Exclusive Patent License: AAV Isolate and Fusion Protein Comprising Nerve Growth Factor Signal Peptide and Parathyroid Hormone

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Diabetes and Digestive and Kidney Disease and National Institute of Dental and Craniofacial Research, institutes of the National Institutes of Health, Department of Health and Human Services, are contemplating the grant of an exclusive rights under active Non-exclusive Patent License to practice the inventions embodied in the United States, European and Japan Applications listed in the Supplementary Information section of this notice to Atsena Therapeutics, Inc., located in Durham, North Carolina, USA.

**DATES:** Only written comments and/or applications for a license which are received by the National Institute of Diabetes and Digestive and Kidney Disease's Technology Advancement Office on or before December 14, 2021 will be considered.

**ADDRESSES:** Requests for copies of the patent applications, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Vladimir Knezevic, MD, (Senior) Advisor for Commercial Evaluation, Technology Advancement Office, Building 12A, Room 3011, Bethesda, MD 20817–5632 (for business mail), Telephone: (301) 435–5560; Email: *vlado.knezevic@nih.gov.*

**SUPPLEMENTARY INFORMATION:**

### Intellectual Property

I. European Patent National Stage: EP3294894 *granted* 2019–08–14, entitled ''*AAV isolate and fusion protein comprising nerve growth factor signal peptide and parathyroid hormone*'' (HHS Reference Number E–175–2015–1–EP–03), *validated* in Great Britain, France and Germany.

II. Japanese Application No. 2017–558710 *granted* 2020–12–20, entitled ''*AAV isolate and fusion protein comprising nerve growth factor signal peptide and parathyroid hormone*'' (HHS Reference Number E–175–2015–1–JP–04).

III. U.S. Patent Application No. 15/573,214 *filed* 2017–11–10, entitled ''*AAV isolate and fusion protein comprising nerve growth factor signal peptide and parathyroid hormone*'' (HHS Reference Number E–175–2015–1–US–05).

IV. Canadian Patent Application No. 2,985,786 *filed* 2017–11–10, entitled ''*AAV isolate and fusion protein comprising nerve growth factor signal peptide and parathyroid hormone*'' (HHS Reference Number E–175–2015–1–CA–02).

The patent rights in these inventions have been assigned or exclusively licensed to the Government of the United States of America.

The prospective exclusive license territory may be worldwide and in fields of use that may be limited to treatment of limited number of monogenic inherited retinal diseases that affect the photoreceptors and/or retinal pigmented epithelium.

The above-listed patent portfolio covers inventions directed to gene therapy and specifically, expression vectors and therapeutic methods of using such vectors.

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. The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Institute of Diabetes and Digestive and Kidney Disease 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 in 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: November 22, 2021.

**Vladimir Knezevic,**

*Senior Advisor for Commercial Evaluation, Technology Advancement Office, National Institute of Diabetes and Digestive and Kidney Disease.*

[FR Doc. 2021–25873 Filed 11–26–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Bone-Muscle Signaling II.

*Date:* December 28, 2021.

*Time:* 12:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20814 (Video Meeting).

*Contact Person:* Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–496–9667, *nijaguna.prasad@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: November 22, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–25872 Filed 11–26–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity PAR.

*Date:* January 7, 2022.

*Time:* 2:30 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898 *barnardm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 22, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–25874 Filed 11–26–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2183]**

### 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 Map Information 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: | | | | | | |
| Maricopa ..... | City of Goodyear (21–09–0561P). | The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338. | Engineering and Development Services, 14455 West Van Buren Street, Suite D101, Goodyear, AZ 85338. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 4, 2022 ..... | 040046 |
| Maricopa ..... | City of Goodyear, (21–09–0613P). | The Honorable Georgia Lord, Mayor, City of Goodyear, 190 North Litchfield Road, Goodyear, AZ 85338. | Engineering and Development Services, 14455 West Van Buren Street, Suite D101, Goodyear, AZ 85338. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 11, 2022 .... | 040046 |
| Yavapai ..... | Unincorporated Areas of Yavapai County, (21–09–1317P). | The Honorable Craig L. Brown, Chairman, Board of Supervisors, Yavapai County, 1015 Fair Street, 3rd Floor, Prescott, AZ 86305. | Yavapai County Flood Control District, 1120 Commerce Drive, Prescott, AZ 86305. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 25, 2022 .... | 040093 |
| California: | | | | | | |
| Alameda ..... | Unincorporated Areas of Alameda County, (21–09–0655P). | The Honorable Keith Carson, President, Board of Supervisors, Alameda County, 1221 Oak Street, Suite 536, Oakland, CA 94612. | Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 9, 2022 ..... | 060001 |
| Riverside. ..... | City of Desert Hot Springs, (21–09–1431P). | The Honorable Scott Matas, Mayor, City of Desert Hot Springs, 11–999 Palm Drive, Desert Hot Springs, CA 92240. | Planning Department, 65–95 Pierson Boulevard, Desert Hot Springs, CA 92240. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 18, 2022 .... | 060251 |
| Riverside ..... | Unincorporated Areas of Riverside County, (21–09–1431P). | The Honorable Karen Spiegel, Chair, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 92501. | Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92501. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 18, 2022 .... | 060245 |
| Florida: St. Johns .. | Unincorporated Areas of St. Johns County, (21–04–2134P). | Mr. Jeremiah Ray Blocker, Chair, St. Johns County Board of County Commissioners, 500 San Sabastian View, St. Augustine, FL 32084. | St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, FL 32084. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 1, 2022 ..... | 125147 |
| Idaho: | | | | | | |
| Bannock ..... | City of Pocatello, (21–10–0641P). | The Honorable Brian Blad, Mayor, City of Pocatello, P.O. Box 4169, Pocatello, ID 83205. | City Hall, 911 North 7th Avenue, Pocatello, ID 83201. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 21, 2022 .... | 160012 |

| 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. |
|---|---|---|---|---|---|---|
| Bannock | City of Pocatello, (21–10–0870P). | The Honorable Brian Blad, Mayor, City of Pocatello, P.O. Box 4169, Pocatello, ID 83205. | City Hall, 911 North 7th Avenue, Pocatello, ID 83201. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 2, 2022 | 160012 |
| Camas | City of Fairfield, (21–10–0381P). | The Honorable Terry Lee, Mayor, City of Fairfield, P.O. Box 336, Fairfield, ID 83327. | City Hall, 407 Soldier Road, Fairfield, ID 83327. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 3, 2022 | 160035 |
| Illinois: | | | | | | |
| Cook and DuPage. | City of Chicago, (21–05–1469P). | The Honorable Lori Lightfoot, Mayor, City of Chicago, 121 North LaSalle Street Room 406, Chicago, IL 60602. | Department of Buildings, Stormwater Management, 121 North LaSalle Street, Room 906, Chicago, IL 60602. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 4, 2022 | 170074 |
| Cook | Unincorporated Areas of Cook County, (21–05–1469P). | The Honorable Toni Preckwinkle, President, Cook County Board, 118 North Clark Street Room 537, Chicago, IL 60602. | Cook County Building and Zoning Department, 69 West Washington, 28th Floor, Chicago, IL 60602. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 4, 2022 | 170054 |
| Cook | Village of Franklin Park, (21–05–1469P). | The Honorable Barrett F. Pedersen, Village President, Village of Franklin Park, 9500 Belmont Avenue, Franklin Park, IL 60131. | Village Hall, 9500 Belmont Avenue, Franklin Park, IL 60131. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 4, 2022 | 170094 |
| DuPage | City of Naperville, (19–05–1619P). | The Honorable Steve Chirico, Mayor, City of Naperville, Municipal Center, 400 South Eagle Street, Naperville, IL 60540. | Municipal Center, 400 South Eagle Street, Naperville, IL 60540. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 22, 2022 | 170213 |
| Will | Village of Bolingbrook (22–05–0060P). | The Honorable Mary Alexander-Basta, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440. | Village Hall, 375 West Briarcliff Road, Bolingbrook, IL 60440. | *https://msc.fema.gov/port, al/advanceSearch.* | Feb. 25, 2022 | 170812 |
| Winnebago | City of Rockford, (21–05–1319P). | The Honorable Thomas P. McNamara, Mayor, City of Rockford, 425 East State Street, 8th Floor, Rockford, IL 61104. | City Hall, 425 East State Street, Rockford, IL 61104. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 27, 2022 | 170723 |
| Winnebago. | Unincorporated Areas of Winnebago County, (21–05–1319P). | The Honorable Joseph V. Chiarelli, Chairman, Winnebago County Board, Administration Building, 404 Elm Street, Room 533, Rockford, IL 61101. | Winnebago County Administration Building, 404 Elm Street, Rockford, IL 61101. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 27, 2022 | 170720 |
| Indiana: | | | | | | |
| Hendricks | Town of Avon, (21–05–1602P). | Ms. Dawn Lowden, Town of Avon Council President, 6570 East US Highway 36, Avon, IN 46123. | Town Hall, 6570 East US Highway 36, Avon, IN 46123. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 11, 2022 | 180520 |
| Hendricks | Unincorporated Areas of Hendricks County, (21–05–1602P). | Ms. Phyllis Palmer, Hendricks County Commissioner, 355 South Washington Street, Danville, IN 46122. | Hendricks County Government Center, 355 South Washington Street, Danville, IN 46122. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 11, 2022 | 180415 |
| Michigan: | | | | | | |
| Macomb | Charter Township of Clinton, (21–05–2624P). | Mr. Robert J. Cannon, Township Supervisor, Charter Township of Clinton, 40700 Romeo Plank Road, Clinton, MI 48038. | Civic Center, 40700 Romeo Plank Road, Clinton, MI 48038. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 2, 2022 | 260121 |
| Michigan: | | | | | | |
| Oakland | City of Troy, (21–05–3248P). | The Honorable Ethan Baker, Mayor, City of Troy, City Hall, 500 West Big Beaver Road, Troy, MI 48084. | City Hall, 500 West Big Beaver Road, Troy, MI 48084. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 21, 2022 | 260180 |
| Missouri: Boone | City of Columbia, (21–07–0218P). | The Honorable Brian Treece, Mayor, City of Columbia, P.O. Box 6015, Columbia, MO 65205. | City Hall, 701 East Broadway, Columbia, MO 65205. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 31, 2022 | 290036 |

| 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. |
|---|---|---|---|---|---|---|
| Texas: Rockwall .... | City of Rockwall, (21–06–1013P). | The Honorable Kevin Fowler, Mayor, City of Rockwall City Hall, 385 South Goliad Street, Rockwall, TX 75087. | City Hall, 385 South Goliad Street, Rockwall, TX 75087. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 7, 2022 ..... | 480547 |
| Washington: Snohomish. | Unincorporated Areas of Snohomish County, (21–10–1427X). | Mr. Dave Somers, Snohomish County Executive, 3000 Rockefeller Avenue, M/S 407, Everett, WA 98201. | Planning and Development Services, 3000 Rockefeller Avenue, Everett, WA 98201. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 3, 2022 ..... | 535534 |
| Wisconsin: | | | | | | |
| La Crosse ..... | City of La Crosse, (21–05–4567X). | The Honorable Mitch Reynolds, Mayor, City of La Crosse, City Hall, 400 La Crosse Street, La Crosse, WI 54601. | City Hall, 400 La Crosse Street, La Crosse, WI 54601. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 2, 2022 ..... | 555562 |
| La Crosse ..... | Unincorporated Areas of La Crosse County, (21–05–4567X). | Ms. Monica Kruse, Chair, Board of Supervisors, La Crosse County, Administrative Center, 212 6th Street North, La Crosse, WI 54601. | La Crosse County Administration Center, 400 4th Street North, Room 3260, La Crosse, WI 54601. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 2, 2022 ..... | 550217 |
| Outagamie ..... | City of New London, (21–05–1313P). | The Honorable Mark Herter, Mayor, City of New London, 215 North Shawano Street, New London, WI 54961. | City Hall, 215 North Shawano Street, New London, WI 54961. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 4, 2022 ..... | 550308 |

[FR Doc. 2021–25904 Filed 11–26–21; 8:45 am]

**BILLING CODE 9110–12–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA–2021–0002; Internal Agency Docket No. FEMA–B–2182]**

### 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. |
|---|---|---|---|---|---|---|
| Alabama: Mobile ... | Unincorporated areas of Mobile County (21–04–4141P). | The Honorable Merceria L. Ludgood, President, Mobile County Commission, 205 Government Street, 10th Floor, South Tower, Mobile, AL 36644. | Mobile County Government Plaza, 205 Government Street, 6th Floor, South Tower, Mobile, AL 36644. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 22, 2022 .... | 015008 |
| Arkansas: Benton .. | City of Lowell (21–06–1057P). | The Honorable Chris Moore, Mayor, City of Lowell, 216 North Lincoln Street, Lowell, AR 72745. | City Hall, 216 North Lincoln Street, Lowell, AR 72745. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 14, 2022 .... | 050342 |
| Colorado: | | | | | | |
| Boulder ..... | City of Boulder (21–08–0996X). | The Honorable Sam Weaver, Mayor, City of Boulder, 1777 Broadway Street, Boulder, CO 80302. | Municipal Building Plaza, 1777 Broadway Street, Boulder, CO 80302. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 18, 2022 .... | 080024 |
| Denver ..... | City and County of Denver (21–08–0108P). | 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. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 4, 2022 ..... | 080046 |
| Larimer ..... | City of Fort Collins (21–08–0277P). | 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.* | Feb. 15, 2022 .... | 080102 |
| Larimer ..... | Unincorporated areas of Larimer County (21–08–0277P). | 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.* | Feb. 15, 2022 .... | 080101 |
| Florida: | | | | | | |
| Collier ..... | City of Marco Island (21–04–4961P). | Mr. Mike McNees, Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145. | Building Services Department, 50 Bald Eagle Drive, Marco Island, FL 34145. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 1, 2022 ..... | 120426 |
| Monroe ..... | Village of Islamorada (21–04–4874P). | 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.* | Feb. 22, 2022 .... | 120424 |
| Georgia: Barrow .... | Unincorporated areas of Barrow County (21–04–4537P). | The Honorable Pat Graham, Chair, Barrow County Board of Commissioners, 30 North Broad Street, Winder, GA 30680. | Barrow County Planning and Community Development Department, 30 North Broad Street, Winder, GA 30680. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 17, 2022 .... | 130497 |
| Kentucky: Hardin ... | City of Elizabethtown (21–04–1010P). | The Honorable Jeffrey H. Gregory, Mayor, City of Elizabethtown, 200 West Dixie Avenue, Elizabethtown, KY 42701. | Stormwater Department, 200 West Dixie Avenue, Elizabethtown, KY 42701. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 18, 2022 .... | 210095 |
| Pennsylvania: | | | | | | |
| Allegheny ..... | Township of Harmar (21–03–0173P). | The Honorable Robert J. Exler, Chairman, Township of Harmar Board of Supervisors, 701 Freeport Road, Cheswick, PA15024. | Zoning Department, 701 Freeport Road, Cheswick, PA15024. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 7, 2022 ..... | 421068 |
| Allegheny ..... | Township of Indiana (21–03–0173P). | Mr. Daniel L. Anderson, Township of Indiana Manager, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238. | Code Enforcement Department, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 7, 2022 ..... | 421070 |
| South Carolina: | | | | | | |

| 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. |
|---|---|---|---|---|---|---|
| Charleston | Town of McClellanville (21–04–3970P). | The Honorable Rutledge B. Leland, III, Mayor, Town of McClellanville, 405 Pinckney Street, McClellanville, SC 29458. | Zoning Department, 405 Pinckney Street, McClellanville, SC 29458. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 17, 2022 | 450039 |
| Charleston | Unincorporated areas of Charleston County (21–04–3970P). | The Honorable Teddie E. Pryor, Sr., Chairman, Charleston County Council, 4045 Bridge View Drive, North Charleston, SC 29405. | Charleston County Building Department, 4045 Bridge View Drive, North Charleston, SC 29405. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 17, 2022 | 455413 |
| South Dakota: Pennington. | Unincorporated areas of Pennington County (21–08–0193P). | The Honorable Gary Drewes, Chairman, Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701. | Pennington County Office Building, 130 Kansas City Street, Rapid City, SD 57701. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 18, 2022 | 460064 |
| Texas: | | | | | | |
| Brazos | City of Bryan (21–06–1877P). | The Honorable Andrew Nelson, Mayor, City of Bryan, P.O. Box 1000, Bryan, TX 77805. | City Hall, 300 South Texas Avenue, Bryan, TX 77803. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 22, 2022 | 480082 |
| Collin | City of McKinney (21–06–1540P). | The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070. | Engineering Department, 221 North Tennessee Street, McKinney, TX 75069. | *https://msc.fema.gov/portal/advanceSearch.* | Mar. 7, 2022 | 480135 |
| Collin | Town of Prosper (21–06–1205P). | The Honorable Ray Smith, Mayor, Town of Prosper, 250 West 1st Street, Prosper, TX 75078. | Town Hall, 250 West 1st Street, Prosper, TX 75078. | *https://msc.fema.gov/portal/advanceSearch.* | Jan. 27, 2022 | 480141 |
| Ellis | City of Pecan Hill (21–06–0676P). | The Honorable Don Schmerse, Mayor, City of Pecan Hill, 1094 South Lawrance Road, Pecan Hill, TX 75154. | City Hall, 1094 South Lawrance Road, Pecan Hill, TX 75154. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 25, 2022 | 481673 |
| Ellis | City of Red Oak (21–06–0676P). | Mr. Todd Fuller, Manager, City of Red Oak, 200 Lakeview Parkway, Red Oak, TX 75154. | Development Services Department, 411 West Red Oak Road, Red Oak, TX 75154. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 25, 2022 | 481650 |
| Ellis | Unincorporated areas of Ellis County (21–06–0676P). | The Honorable Todd Little, Ellis County Judge, 101 West Main Street, Waxahachie, TX 75165. | Ellis County Engineering Department, 109 South Jackson Street, Waxahachie, TX 75165. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 25, 2022 | 480798 |
| Tarrant | City of Mansfield (21–06–2343P). | The Honorable Michael Evans, Mayor, City of Mansfield, 1200 East Broad Street, Mansfield, TX 76063. | Department of Public Works, 1200 East Broad Street, Mansfield, TX 76063. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 17, 2022 | 480606 |
| Williamson | Unincorporated areas of Williamson County (21–06–0778P). | 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. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 17, 2022 | 481079 |
| Utah: | | | | | | |
| Salt Lake | City of Riverton (21–08–0137P). | The Honorable Trent Staggs, Mayor, City of Riverton, 12830 South Redwood Road, Riverton, UT 84065. | Public Works Department, 12526 South 4150 West, Riverton, UT 84065. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 7, 2022 | 490104 |
| Summit | City of Park City (21–08–0593P). | The Honorable Andy Beerman, Mayor, City of Park City, 445 Marsac Avenue, Park City, UT 84060. | City Hall, 445 Marsac Avenue, Park City, UT 84060. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 28, 2022 | 490139 |
| West Virginia: | | | | | | |
| Cabell | City of Milton (21–03–0959P). | The Honorable Tom Canterbury, Mayor, City of Milton, 1139 Smith Street, Milton, WV 25541. | City Hall, 1595 U.S. Route 60 East, Milton, WV 25541. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 14, 2022 | 540019 |
| Cabell | Unincorporated areas of Williamson County (21–03–0959P). | The Honorable Jim Morgan, President, Cabell County Commission, 750 5th Avenue, Suite 300, Huntington, WV 25701. | Cabell County Office of Grants, Planning and Permits, 750 5th Avenue, Suite 314, Huntington, WV 25701. | *https://msc.fema.gov/portal/advanceSearch.* | Feb. 14, 2022 | 540016 |

[FR Doc. 2021–25903 Filed 11–26–21; 8:45 am]
BILLING CODE 9110–12–P

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

**[22XD4523WS DWSN00000.000000 DS62200000 DP.62206; OMB Control Number OMB Control Number 1090–0009]**

### Agency Information Collection Activities; Donor Certification Form

**AGENCY:** Office of the Secretary, Office of Financial Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*), the Office of Financial Management, Office of the Secretary, Department of the Interior are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before December 29, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Paul Batlan, Office of Financial Management, 1849 C St. NW, MS 5530 MIB, Washington, DC 20240, or via email at *Paul_Batlan@ios.doi.gov,* or by phone to (202) 208–4826. Please reference OMB Control Number 1090–0009 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Paul Batlan, Office of Financial Management, 1849 C St. NW, MS 5530 MIB, Washington, DC 20240, or via email at *Paul_Batlan@ios.doi.gov,* or by telephone at 202–208–4826. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 28, 2021 (86 FR 34036). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* This notice identifies an information collection activity that the Office of Financial Management has submitted to OMB for approval for the Department and its Bureaus and Offices to continue to collect information from proposed donors relative to their relationship(s) with the Department. The Department and its individual Bureaus and Offices have gift acceptance authorities. In support of the variety of donation authorities in the Department and increasing numbers of donations, in accordance with the Department of the Interior Donations Policy 374 DM 6, those proposing to donate gifts valued at $25,000 or more must provide information regarding their relationship with the Department. The purpose of this policy is to ensure that the acceptance of a gift does not create legal or ethical issues for the Department, its Bureaus and Offices, or potential donors. The information will be gathered through the use of a form that collects information relevant to the acceptability of the proposed donation in conformance with the Department's donations policy. The Donor Certification form (DI–3680) is completed and certified by the prospective donor then submitted to the Department or its Bureau or Office for review. Having the donor certify their interactions with the Department gives the staff vetting the proposed donation basic information to be verified, resulting in a more efficient and timely donation review process.

*Title of Collection:* Donor Certification Form.

*OMB Control Number:* 1090–0009.

*Form Number:* DI–3680.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals or households, Businesses, Not-for-profit institutions, Tribal governments.

*Total Estimated Number of Annual Respondents:* 250.

*Total Estimated Number of Annual Responses:* 250.

*Estimated Completion Time per Response:* 20 minutes.

*Total Estimated Number of Annual Burden Hours:* 83 hours.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* Once per prospective donor per fiscal year.

*Total Estimated Annual Nonhour Burden Cost:* None.

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.*).

**Tonya R. Johnson,**

*Deputy Chief Financial Officer and Director, Office of Financial Management.*

[FR Doc. 2021–25929 Filed 11–26–21; 8:45 am]
BILLING CODE 4334–63–P

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

**[189D0102DM, DLSN00000.000000, DS62400000, DX62401; OMB Control Number OMB Control Number 1084–0010]**

### Agency Information Collection Activities; Claim for Relocation Payments—Residential, DI–381 and Claim for Relocation Payments—Nonresidential, DI–382

**AGENCY:** Office of the Secretary, Office of Acquisition and Property Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995), we, the Office of Acquisition and Property Management is proposing to renew an information collection with revisions.

**DATES:** Interested persons are invited to submit comments on or before December 29, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *PRA-DOI@ios.doi.gov.* or by phone to (202) 208–7072. Please reference OMB Control Number 1084–0010 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *PRA-DOI@ios.doi.gov.* or by phone to (202) 208–7072. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 14, 2021 (86 FR 31523). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Regulations at 42 U.S.C. 4601, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, require Federal agencies acquiring real estate interests to provide relocation benefits to individuals and businesses displaced as a result of the acquisition. Forms DI–381, Claim For Relocation Payments—Residential, and DI–382, Claim For Relocation Payments—Nonresidential, along with the associated Schedules A, B, C, and D, permit the applicant to present allowable moving expenses and certify occupancy status, after having been displaced because of Federal acquisition of their real property.

The information required is obtained through application made by the displaced person or business to the funding agency for determination as to the specific amount of monies due under the law. The forms, through which application is made, require specific information since the Uniform Relocation Assistance and Real Property Acquisition Act allows for various amounts based upon each actual circumstance. Failure to make application to the agency would eliminate any basis for payment of claims. With this renewal we are making a small revision to item 3 of Schedule D (Reestablishment Expenses—Nonresidential). The form used to require a listing of expenses that are eligible for reimbursement under the law, and now we have provided an itemized list.

*Title of Collection:* Claim for Relocation Payments—Residential, DI–381 and Claim for Relocation Payments—Nonresidential, DI–382.

*OMB Control Number:* 1084–0010.

*Form Number:* Forms DI–381 and DI–382, associated Schedules A, B, C, and D.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals and businesses who are displaced because of Federal acquisitions of their real property.

*Total Estimated Number of Annual Respondents:* 24.

*Total Estimated Number of Annual Responses:* 24.

*Estimated Completion Time per Response:* 50 minutes.

*Total Estimated Number of Annual Burden Hours:* 20 Hours.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* As needed.

*Total Estimated Annual Nonhour Burden Cost:* This collection does not have a nonhour cost burden.

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.*).

**Jeffrey Parrillo,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021–25918 Filed 11–26–21; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–CONC–32568; PPWOBSADC0, PPMVSCS1Y.Y00000]**

### Notice of Intent To Extend and Continue Concession Contracts and Award Temporary Concession Contracts

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** The National Park Service gives public notice that, pursuant to the terms of the concession contracts identified in the tables below, as applicable, and in accordance with NPS regulations, it intends to: (1) Extend each concession contract listed in Table 1 until the date shown in the ''Extension Date'' column or until the effective date of a new contract, whichever comes first; (2) continue each concession contract listed in Table 2 for a period not to exceed one year beginning on January 1, 2022; and (3) award the temporary concession contracts listed in Table 3.

**DATES:** The National Park Service intends that the concession contract extensions, continuations, temporary concession contracts, and sole source concession contracts will be effective on the dates shown in the ''Effective Date'' columns, as applicable.

**FOR FURTHER INFORMATION CONTACT:** Kurt Rausch, Program Chief, Commercial Services Program, National Park Service, 1849 C Street NW, Mail Stop 2410, Washington, DC 20240; Telephone: 202–513–7156.

**SUPPLEMENTARY INFORMATION:** The concession contracts listed in Table 1 below will expire by their terms on or before October 31, 2022. Under 36 CFR 51.23, the National Park Service proposes to extend each contract until the date shown in the ''Extension Date'' column or until the effective date of a new contract, whichever comes first. The National Park Service has determined that the proposed extensions are necessary to avoid an interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such an interruption. The extension of the existing contracts does not confer or affect any rights with respect to the award of new contracts.

The concession contracts listed in Table 2 below have been extended for the maximum time allowable under 36 CFR 51.23. Under the provisions of the existing contracts and pending the issuance of prospectuses and the completion of the public solicitation process to award new concession contracts, the National Park Service intends to continue the existing contracts for a period not to exceed one year beginning on January 1, 2022. Except for their expiration dates, the terms and conditions of the existing contracts will remain unchanged. The continuation of the existing contracts does not confer or affect any rights with respect to the award of new concession contracts.

The National Park Service proposes awarding temporary concession contracts, in accordance with 36 CFR 51.24(a), to provide the visitor services currently provided under the contracts listed in Table 3 below. Each temporary contract will have a term not to exceed three years, and each will be awarded to a qualified person. The National Park Service anticipates that the temporary contracts will be effective on the dates shown in the ''Effective Date'' column. This notice is not a request for proposals.

The publication of this notice reflects the intent of the National Park Service but does not bind the National Park Service to extend, continue, or award any of the contracts listed below.

TABLE 1—CONCESSION CONTRACTS EXTENDED UNTIL THE DATE SHOWN OR UNTIL THE EFFECTIVE DATE OF A NEW CONTRACT, WHICHEVER COMES FIRST

| Park unit | CONCID | Concessioner | Extension effective date | Extension expiration date |
|---|---|---|---|---|
| Badlands NP | BADL001–09 | Forever Resorts | 1/1/2022 | 10/31/2022 |
| Bryce Canyon NP | BRCA003–10 | The Lodge at Bryce Canyon, LLC | 1/1/2022 | 12/31/2022 |
| Channel Islands NP | CHIS001–11 | The Island Packers Corporation | 1/1/2023 | 12/31/2023 |
| Crater Lake NP | CRLA003–12 | The Shuttle Inc | 5/1/2022 | 4/30/2023 |
| Denali NP&P | DENA013–20 | Denali National Park Wilderness Centers, Ltd | 1/1/2022 | 12/31/2022 |
| Denali NP&P | DENA030–17 | Kantishna Air Taxi Inc | 1/1/2022 | 12/31/2022 |
| Death Valley NP | DEVA002–11 | NEG282, LLC | 1/13/2022 | 1/12/2023 |
| Dry Tortugas NP | DRTO001–08 | Yankee Freedom III, LLC | 11/1/2022 | 10/31/2023 |
| Everglades NP | EVER005–10 | Florida National Parks and Monuments Assoc | 9/1/2022 | 8/31/2023 |
| Fire Island NS | FIIS003–09 | Sayville Ferry Service, Inc | 11/1/2021 | 10/31/2022 |
| Fire Island NS | FIIS004–11 | Davis Park Ferry Co., Inc | 11/1/2021 | 10/31/2022 |
| Fort McHenry NM&HS | FOMC001–10 | Evelyn Hill Corporation | 12/1/2021 | 12/31/2022 |
| Grand Canyon NP | GRCA034–12 | Bright Angel Bicycles, LLC | 3/1/2022 | 2/28/2023 |
| Great Smoky Mtns NP | GRSM010–10 | Great Smoky Mountains Association | 1/1/2022 | 12/31/2022 |
| Hot Springs NP | HOSP002–12 | Buckstaff Bath House Company | 1/1/2022 | 12/31/2022 |
| Isle Royale NP | ISRO001–10 | Isle Royale Line, Inc | 1/1/2022 | 12/31/2022 |
| Muir Woods NM | MUWO001–09 | Cloudless Skies Parks Company, LLC | 10/1/2021 | 4/30/2022 |
| Olympic NP | OLYM003–10 | Aramark Sports & Entertainment Services LLC | 2/1/2022 | 1/31/2023 |
| Ozark NSR | OZAR001–10 | Harvey's Alley Spring Canoe Rental, LLC | 1/1/2022 | 12/31/2022 |
| Ozark NSR | OZAR011–12 | Current River Canoe | 1/1/2022 | 12/31/2022 |
| Ozark NSR | OZAR016–12 | Carr's Grocery and Canoe Rental, LLC | 1/1/2022 | 12/31/2022 |
| Ozark NSR | OZAR018–10 | Two Rivers Canoes, LLC | 1/1/2022 | 12/31/2022 |
| Pictured Rocks NL | PIRO001–10 | Pictured Rocks Cruises, Inc | 1/1/2022 | 12/31/2022 |
| Point Reyes NS | PORE003–11 | American Youth Hostels, Inc | 10/17/2022 | 10/16/2023 |
| Rocky Mountain NP | ROMO009–12 | Meeker Park Lodge, Inc | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO011–12 | YMCA of the Rockies | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO012–12 | Dao House, LLC | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO013–12 | Wind River Ministries, Inc | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO016–12 | S K Horses, LTD | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO017–12 | Sombrero Ranches, Inc | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO018–12 | Winding River Resort, Inc | 1/1/2022 | 12/31/2022 |

TABLE 1—CONCESSION CONTRACTS EXTENDED UNTIL THE DATE SHOWN OR UNTIL THE EFFECTIVE DATE OF A NEW CONTRACT, WHICHEVER COMES FIRST—Continued

| Park unit | CONCID | Concessioner | Extension effective date | Extension expiration date |
|---|---|---|---|---|
| Rocky Mountain NP | ROMO019–12 | Cheley Colorado Camps, Inc | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO022–12 | Girl Scouts of Colorado | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO028–12 | S K Horses, LTD | 1/1/2022 | 12/31/2022 |
| Rocky Mountain NP | ROMO029–12 | S K Horses, LTD | 1/1/2022 | 12/31/2022 |
| Southeast Region | SERO001–09 | America's National Parks, Inc | 1/1/2022 | 12/31/2022 |
| Voyageurs NP | VOYA002–11 | Oveson Kab-Con, Inc | 1/1/2022 | 12/31/2022 |
| Yosemite NP | YOSE001–10 | Best's Studio, Inc | 3/1/2022 | 2/28/2023 |

TABLE 2—CONCESSION CONTRACTS CONTINUED FOR A PERIOD NOT TO EXCEED ONE YEAR BEGINNING ON JANUARY 1, 2022

| Park unit | CONCID | Concessioner |
|---|---|---|
| Cape Hatteras National Seashore | CAHA001–98 | Koru Village Incorporated |
| Glen Canyon National Recreation Area | GLCA002–88 | ARAMARK Sports and Entertainment Services, Inc. |
| Glen Canyon National Recreation Area | GLCA003–69 | ARAMARK Sports and Entertainment Services, Inc. |
| Lake Mead National Recreation Area | LAKE001–73 | LMNRA Guest Services, LLC |
| Lake Mead National Recreation Area | LAKE002–82 | LMNRA Guest Services, LLC |
| Lake Mead National Recreation Area | LAKE005–97 | LMNRA Guest Services, LLC |
| Lake Mead National Recreation Area | LAKE006–74 | Las Vegas Boat Harbor, Inc. |
| Lake Mead National Recreation Area | LAKE009–88 | LMNRA Guest Services, LLC |
| Interior Region 1—National Capital Area | NACC003–86 | Guest Services, Inc. |

TABLE 3—TEMPORARY CONCESSION CONTRACTS

| Park unit | CONCID | Services | Effective date |
|---|---|---|---|
| Buck Island NS | BUIS015–20 | Interpretive Boat Tours | 7/14/2022 |
| Golden Gate NRA | GOGA002–22 | Hostel, Food and Beverage, Retail, Other Services | 5/1/2022 |
| Great Smoky Mtns NP | GRSM002–22 | Backcountry Lodging, Food and Beverage, Retail | 1/1/2022 |
| Great Smoky Mtns NP | GRSM003–22 | Retail | 1/1/2022 |
| Prince William Forest Park | PRWI001–22 | Campground | 1/1/2022 |
| Yellowstone NP | YELL004–21 | Fuel, Service Stations, Retail | 11/1/2021 |
| Zion NP | ZION003–22 | Lodging, Food and Beverage, Retail, Other Services | 1/1/2022 |

**Kurt Rausch,**

*Acting Associate Director, Business Services.*

[FR Doc. 2021–25953 Filed 11–26–21; 8:45 am]

**BILLING CODE 4312–53–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1230]**

## Certain Electric Shavers and Components and Accessories Thereof Notice of Request for Submissions on the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on November 18, 2021, the presiding administrative law judge (''ALJ'') issued an Initial Determination Granting-in-Part Complainant Skull Shaver, LLC's Motion for Summary Determination on Violations by the Defaulting Respondents, and a Recommended Determination on Remedy and Bonding (''ID/RD''). The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. 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:** Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. The ALJ recommended the issuance of a general exclusion order (''GEO'') directed to certain electric shavers and components and accessories thereof,

with an explicit carveout to exempt the products of terminated respondents Benepuri LLC and Nukun Technology Co., Ltd. In the alternative, the ALJ recommended the issuance of a limited exclusion order (''LEO'') as to subject products imported, sold for importation, and/or sold after importation by each defaulting respondent: (1) Suzhou Kaidiya Garments Trading Co., Ltd.; (2) Yiwu City Qiaoyu Trading Co., Ltd. (''Yiwu City''); (3) Wenzhou Wending Electric Appliance Co., Ltd.; (4) Shenzhen Aiweilai Trading Co., Ltd.; (5) Shenzhen Junmao International Technology Co., Ltd.; (6) Shenzhen Wantong Information Technology Co., Ltd.; (7) Yiwu Xingye Network Technology Co., Ltd. (''Yiwu Xingye''); and (8) Bald Shaver Inc. (''Bald Shaver'').[1] Regardless of whether a GEO or LEO issues, the ALJ also recommended the issuance of cease and desist orders as to defaulting respondents Yiwu City and Yiwu Xingye, based on findings that they, and not the other defaulting respondents, maintain a commercially significant inventory of subject products in the United States. The ALJ further recommended that bond during the Presidential review period be set at one hundred percent (100%) of the entered value of subject products. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's ID/RD. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on December 18, 2021.

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 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1230'') 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.

This action is taken under the authority of 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: November 22, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–25866 Filed 11–26–21; 8:45 am]

**BILLING CODE 7020–02–P**

[1] The ALJ's initial determination finding Bald Shaver in default, Order No. 32 (Nov. 18, 2021), is currently pending before the Commission.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–931]**

### Bulk Manufacturer of Controlled Substances Application: IsoSciences, LLC

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** IsoSciences, 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 January 28, 2022. Such persons may also file a written request for a hearing on the application on or before January 28, 2022.

**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 November 4, 2021, IsoSciences, LLC, 340 Mathers Road, Ambler, Pennsylvania 19002–3420, applied to be registered as a bulk

manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Cathinone | 1235 | I |
| Methcathinone | 1237 | I |
| Lysergic acid diethylamide | 7315 | I |
| Marihuana | 7360 | I |
| Tetrahydrocannabinols | 7370 | I |
| 3,4-Methylenedioxyamphetamine | 7400 | I |
| 3,4-Methylenedioxy-N-ethylamphetamine | 7404 | I |
| 3,4-Methylenedioxymethamphetamine | 7405 | I |
| 5-Methoxy-N-N-dimethyltryptamine | 7431 | I |
| Alpha-methyltryptamine | 7432 | I |
| Bufotenine | 7433 | I |
| Diethyltryptamine | 7434 | I |
| Dimethyltryptamine | 7435 | I |
| Psilocybin | 7437 | I |
| Psilocyn | 7438 | I |
| 5-Methoxy-N,N-diisopropyltryptamine | 7439 | I |
| Dihydromorphine | 9145 | I |
| Heroin | 9200 | I |
| Nicocodeine | 9309 | I |
| Nicomorphine | 9312 | I |
| Normorphine | 9313 | I |
| Thebacon | 9315 | I |
| Normethadone | 9635 | I |
| Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) | 9811 | I |
| Para-Fluorofentanyl | 9812 | I |
| 3-Methylfentanyl | 9813 | I |
| Alpha-methylfentanyl | 9814 | I |
| Acetyl-alpha-methylfentanyl | 9815 | I |
| N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide | 9816 | I |
| Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) | 9821 | I |
| Butyryl Fentanyl | 9822 | I |
| 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) | 9824 | I |
| 2-Methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide | 9825 | I |
| Beta-hydroxyfentanyl | 9830 | I |
| Beta-hydroxy-3-methylfentanyl | 9831 | I |
| Alpha-methylthiofentanyl | 9832 | I |
| 3-Methylthiofentanyl | 9833 | I |
| Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide) | 9834 | I |
| Thiofentanyl | 9835 | I |
| Beta-hydroxythiofentanyl | 9836 | I |
| N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide | 9843 | I |
| Amphetamine | 1100 | II |
| Methamphetamine | 1105 | II |
| Codeine | 9050 | II |
| Dihydrocodeine | 9120 | II |
| Oxycodone | 9143 | II |
| Hydromorphone | 9150 | II |
| Hydrocodone | 9193 | II |
| Isomethadone | 9226 | II |
| Methadone | 9250 | II |
| Methadone intermediate | 9254 | II |
| Morphine | 9300 | II |
| Thebaine | 9333 | II |
| Levo-alphacetylmethadol | 9648 | II |
| Oxymorphone | 9652 | II |
| Thiafentanil | 9729 | II |
| Alfentanil | 9737 | II |
| Sufentanil | 9740 | II |
| Carfentanil | 9743 | II |
| Fentanyl | 9801 | II |

The company plans to manufacture bulk controlled substances for use in analytical testing. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

**Brian S. Besser,**

*Acting Assistant Administrator.*

[FR Doc. 2021–25954 Filed 11–26–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–930]**

### Bulk Manufacturer of Controlled Substances Application: Patheon API Manufacturing, Inc.

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Patheon API Manufacturing, Inc., has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 28, 2022. Such persons may also file a written request for a hearing on the application on or before January 28, 2022.

**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 November 3, 2021, Patheon API Manufacturing, Inc., 309 Delaware Street, Greenville, South Carolina 29605–5420, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Dimethyltryptamine | 7435 | I |
| Psilocyn | 7438 | I |

The company plans to bulk manufacture the listed controlled substances as an Active Pharmaceutical Ingredient (API) for distribution to its customers. No other activities for these drug codes are authorized for this registration.

**Brian S. Besser,**

*Acting Assistant Administrator.*

[FR Doc. 2021–25950 Filed 11–26–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–929]**

### Bulk Manufacturer of Controlled Substances Application: Pisgah Laboratories Inc.

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** Pisgah Laboratories Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 28, 2022. Such persons may also file a written request for a hearing on the application on or before January 28, 2022.

**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 March 30, 2021, Pisgah Laboratories Inc., 3222 Old Hendersonville Highway, Pisgah Forest, North Carolina 28768, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Difenoxin | 9168 | I |
| Methylphenidate | 1724 | II |
| Diphenoxylate | 9170 | II |
| Levorphanol | 9220 | II |
| Remifentanil | 9739 | II |
| Tapentadol | 9780 | II |

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. No other activities for these drug codes are authorized for this registration.

**Brian S. Besser,**

*Acting Assistant Administrator.*

[FR Doc. 2021–25949 Filed 11–26–21; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed First Amendment to Consent Decree

On November 19, 2021, the Department of Justice lodged a proposed First Amendment to Consent Decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States et al.* v. *Sid Richardson Carbon, Ltd* (M.D. La.), Civil Action No. 3:17–cv–01792.

The Consent Decree, entered by the Court on August 14, 2018, resolved claims by the United States, the State of Texas, and the State of Louisiana alleging violations of certain Clean Air Act provisions at three carbon black manufacturing facilities owned and operated by Sid Richardson (now ''Tokai''). The Consent Decree requires Defendant to reduce harmful $SO_2$, $NO_X$, and PM emissions through the installation and operation of pollution controls. Defendant also agreed to spend $490,000 to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the facilities, and pay a civil penalty of $999,000.

The proposed First Amendment to Consent Decree would, if entered by the Court, make modifications to the Consent Decree to address and resolve claims by Defendant that force majeure events caused delays in meeting certain compliance deadlines at Defendant's Borger, Texas facility. The modifications extend certain deadlines in the Consent Decree, while maintaining Defendant's ultimate obligation to install and operate pollution controls at its facilities.

The publication of this notice opens a period for public comment on the proposed First Amendment to Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al.* v. *Sid Richardson Carbon, Ltd.* (M.D. La.), D.J. Ref. No. 90–5–2–1–10663. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed First Amendment to Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed First Amendment to Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Thomas Carroll,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2021–25864 Filed 11–26–21; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Modifications of Consent Decree Under the Clean Water Act

On November 22, 2021, the Department of Justice lodged proposed modifications to a Consent Decree with the United States District Court for the Eastern District of Virginia in *United States and the Commonwealth of Virginia* v. *Hampton Roads Sanitation District,* Civil Case No. 2:09–cv–481 (E.D. Va.).

The original Consent Decree was entered in February, 2010, and resolved civil claims under the Clean Water Act relating to the discharge of pollutants to navigable waters in the Tidewater region of southeast Virginia. The Consent Decree included wet weather capacity-related measures ensuring that the regional sanitary sewer system and the Defendant's sewage treatment plants have adequate capacity to convey and treat wet weather sewer flows within the Hampton Roads region. In addition to the wet weather capacity-related measures required by the Consent Decree, HRSD has numerous other regional environmental obligations and initiatives which also further the CWA's objective of protecting the region's waters from pollution.

The parties to the Consent Decree have agreed to certain modifications set forth in the Fifth Amendment to the Decree. The Fifth Amendment builds upon the previous amendments to the Consent Decree to provide for the phased implementation of the Defendant's proposed Regional Wet Water Management Plan (concurrently with an Aquifer Replenishment Program), and make conforming amendments to monitoring, assessment, and reporting requirements. It also resolves certain stipulated penalties and streamlines the termination requirements of the Consent Decree.

The publication of this notice opens a period for public comment on the proposed modifications to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the Commonwealth of Virginia* v. *Hampton Roads Sanitation District,* Civil Case No. 2:09-cv-481 D.J. Ref. No. 90–5–1–1–09125. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email ..... | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail ..... | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

During the public comment period, the proposed amendments to the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed amendments upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2021–25861 Filed 11–26–21; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Senior Executive Service; Appointment of Members to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of the individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to serve on the Department's Performance Review Board:

**Permanent Membership**

Chair—Julie Su, Deputy Secretary
Vice-Chair—Rachana Desai Martin, Assistant Secretary for Administration and Management
Alternate Vice-Chair—Sydney Rose, Chief Human Capital Officer

**Rotating Membership—Appointments Expire on 09/30/24**

ASP Alexander Hertel-Fernandez, Deputy Assistant Secretary for Research and Evaluation
BLS Nancy Ruiz De Gamboa, Associate Commissioner for Administration
EBSA Mabel Capolongo, Director of Enforcement
ETA Nicholas Lalpuis, Regional Administrator, Dallas
MSHA Brian Goepfert, Director, Educational Policy and Development
OASAM Carl Campbell, Senior Procurement Executive
ODEP Jennifer Sheehy, Deputy Assistant Secretary
OFCCP Michele Hodge, Deputy Director
OLMS Jeffrey Freund, Director
OSHA Eric Harbin, Regional Administrator, Dallas
OWCP Christy Long, National Administrator of Field Operations, Seattle
SOL John Rainwater, Regional Solicitor, Dallas
VETS Ivan Denton, Director, National Programs
WHD Ruben Rosalez, Regional Administrator, San Francisco

**FOR FURTHER INFORMATION CONTACT:** Mr. Demeatric Gamble, Chief, Division of Executive Resources, Room N2453, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave. NW, Washington, DC 20210, telephone: (202) 693–7694.

**Rachana Desai Martin,**

*Assistant Secretary for Administration and Management.*

[FR Doc. 2021–25899 Filed 11–26–21; 8:45 am]

**BILLING CODE 4510–04–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2019–0004]**

### Gestamp West Virginia LLC: Notice of Correction to Permanent Variance

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice; correction.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) published a notice in the **Federal Register** on March 2, 2021, announcing a permanent variance to Gestamp West Virginia LLC from a specific provision of the OSHA standard that regulates the control of hazardous energy (lockout/tagout). The document contained incorrect references to the relevant provision of the lockout/tagout standard. This notice corrects the provision of the standard referenced in the permanent variance.

**DATES:** The correction specified by this notice becomes effective on November 29, 2021 and shall remain in effect until OSHA revokes this permanent variance.

**FOR FURTHER INFORMATION CONTACT:** Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Corrections

In the **Federal Register** of March 2, 2021 (86 FR 12209–12217), correct the standard paragraph number as described below.

1. On page 12212, in the third column, in the section titled ''III. Description of Conditions Specified for the Permanent Variance'', in the paragraph beginning ''As previously indicated in this notice,'' change ''paragraph 1910.147(d)(4)(iii)'' to ''paragraph 1910.147(d)(3)''.

2. On page 12212, in the third column, in the section titled ''III. Description of Conditions Specified for the Permanent Variance'', in the paragraph beginning ''During the period starting with the August 5, 2020,'' change ''paragraph 1910.147(d)(4)(iii)'' to ''paragraph 1910.147(d)(3)''.

3. On page 12212, in the third column, in the section titled ''III. Description of Conditions Specified for the Permanent Variance'', in the paragraph beginning ''This section describes the conditions that comprise'', change ''29 CFR 1910.147(d)(4)(iii)'' to ''29 CFR 1910.147(d)(3)''.

4. On page 12214, in the third column, in the section titled ''IV. Decision'', in the paragraph beginning ''As described earlier in this notice,'' change ''paragraphs 1910.147(d)(4)(iii)'' to ''paragraph 1910.147(d)(3)''.

5. On page 12214, in the third column, in the section titled ''IV. Decision'', in the paragraph beginning ''Further, under section 6(d) of the OSH Act'', change ''paragraph 1910.147(d)(4)(iii)'' to ''paragraph 1910.147(d)(3)''.

6. On page 12215, in the first column, in the section titled ''V. Order'', in the paragraph beginning ''OSHA issues this final order'' change ''paragraphs 1910.147(d)(4)(iii)'' to ''paragraph 1910.147(d)(3)''.

The permanent variance granted to Gestamp remains in effect. This correction is being issued to clarify that the permanent variance is granted to paragraph 1910.147(d)(3) of the lockout/tagout standard, ''*Machine or equipment isolation.* All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).'' The conditions and scope of the permanent variance remain unchanged.

#### Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 655(d), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.5.

Signed at Washington, DC, on November 22, 2021.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2021–25895 Filed 11–26–21; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2006–0040]**

### SGS North America, Inc.: Grant of Expansion of Recognition and Modification to the NRTL Program's List of Appropriate Test Standards

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for SGS North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the addition of one test standard to the NRTL Program's List of Appropriate Test Standards.

**DATES:** The expansion of the scope of recognition becomes effective on November 29, 2021.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html).*

**SUPPLEMENTARY INFORMATION:**

#### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of SGS of North America, Inc. (SGS), as a NRTL. SGS's expansion covers the addition of five test standards to its scope of recognition. Additionally, OSHA announces the addition of one test standard to the NRTL Program's List of Appropriate Test Standards.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition

and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding and, in the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details the scope of recognition. These pages are available from the agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS submitted an application on February 5, 2020 (OSHA–2006–0040–0067), to expand its scope of recognition to include the addition of five test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing SGS's expansion application and proposed addition to the NRTL Program's List of Appropriate Test Standards in the **Federal Register** on August 24, 2021 (86 FR 47336). The agency requested comments by September 8, 2021, but it received no comments in response to the preliminary notice. OSHA now is proceeding with this final notice to grant expansion of SGS's scope of recognition.

To obtain or review copies of all public documents pertaining to SGS's applications, go to *http://www.regulations.gov* or contact the Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions. Docket No. OSHA–2006–0040 contains all materials in the record concerning SGS's recognition.

## II. Final Decision and Order

OSHA staff examined SGS's expansion application, the capability to meet the requirements of the test standards, and other pertinent information. Based on a review of this evidence, OSHA finds that SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition, subject to the specified limitation and conditions listed. OSHA, therefore, is proceeding with this final notice to grant expansion of SGS's scope of recognition. OSHA limits the expansion of SGS's scope of recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

| Test standard | Test standard title |
|---|---|
| UL 355 | Cord Reels. |
| UL 1576 | Flashlights and Lanterns. |
| UL 1977 | Component Connectors for Use in Data, Signal, Control and Power Applications. |
| UL 8753 | Field-Replaceable Light Emitting Diode (LED) Light Engines. |
| UL 61800–5–1 | Adjustable Speed Electrical Power Drive Systems—Part 5–1: Safety Requirements—Electrical, Thermal and Energy. |

In this notice, OSHA also announces the addition of one new test standard to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will include it in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARD OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

| Test standard | Test standard title |
|---|---|
| UL 1576 | Flashlights and Lanterns. |

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above as an American National Standard. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), only standards determined to be appropriate test standards may be approved for NRTL recognition. Any NRTL recognized for an appropriate test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

### *A. Conditions*

In addition to those conditions already required by 29 CFR 1910.7, SGS must abide by the following conditions of the recognition:

1. SGS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in the operations as a NRTL, and provide details of the change(s);

2. SGS must meet all the terms of the recognition and comply with all OSHA policies pertaining to this recognition; and

3. SGS must continue to meet the requirements for recognition, including all previously published conditions on SGS's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of SGS, subject to the limitation and conditions specified above. OSHA also adds one new test standard to the NRTL Program's List of Appropriate Test Standards.

## III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020

(85 FR 58393, September 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on November 22, 2021.

**James S. Frederick,**

*Deputy Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2021–25897 Filed 11–26–21; 8:45 am]

**BILLING CODE 4510–26–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of the Networking and Information Technology Research and Development Program 30th Anniversary Commemoration

**AGENCY:** Networking and Information Technology Research and Development (NITRD) Program National Coordination Office (NCO), National Science Foundation.

**ACTION:** Notice of meeting; correction.

**SUMMARY:** The notice published in the **Federal Register** on November 5, 2021 contained an incorrect amount of funding for 1991. This notice corrects that amount. The NITRD Subcommittee will hold a virtual public meeting to mark the 30th anniversary of the signing of the High-Performance Computing (HPC) Act of 1991 and the launching of the High-Performance Computing and Communications Program, now known as the NITRD Program. One of the key parts of this legislation was to establish an effective mechanism to coordinate HPC, networking, and information technology (IT) research and development (R&D) undertaken by the agencies of the Federal Government. The legislation also expanded Federal funding support for HPC and IT R&D to ensure continued technological leadership in these areas by the United States. The Act aimed to provide U.S. researchers and educators, as well as government and the public, with the advanced computing and information resources they needed for achievement of personal, business, and public goals. The NITRD mission has expanded over the last three decades as the capabilities of advanced computing, networking, and IT technologies increased dramatically. Join us as we recognize and celebrate the origins and expansion of America's IT innovation highway.

**DATES:** December 2, 2021.

**ADDRESSES:** The meeting will be held virtually through Zoom, 12 Noon (EST).

*Instructions:* Registration is required. You will be asked to provide your name, email address, and affiliation. The meeting link will be available on *https://www.nitrd.gov/nitrd-30th-anniversary-commemoration/.*

**FOR FURTHER INFORMATION CONTACT:** Diana Weber at *nco@nitrd.gov* or call 202–459–9684. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The NITRD Program is the Nation's primary source of federally funded IT R&D, critical to promoting and protecting American leadership in science and technology (S&T) innovation. The NITRD Program focuses its work on addressing strategic IT R&D imperatives that lead to cutting-edge computing, networking, and information technologies that support U.S. national security, economic competitiveness, and individual health and well-being. One of the key parts of the 1991 legislation was to establish a mechanism to lead the coordination and planning of multiagency and multisector HPC R&D to maximize the effectiveness of the Federal Government's R&D investments and the transition of discoveries to societal benefit. This vital mission has expanded over the years to include coordination of Federal agencies' R&D broadly across critical computing- and IT-related topics in advanced wireless technologies, artificial intelligence, big data, cybersecurity, health IT, networked physical systems, privacy protection, robotics, and software productivity and sustainability. Through NITRD, Federal agencies exchange information; collaborate on research activities such as testbeds, workshops, strategic planning, and cooperative solicitations; and focus their R&D resources on common goals of making new discoveries and/or developing new technology solutions to address our Nation's most critical priorities. As an example, NITRD-linked HPC and IT R&D underpinned U.S. leadership in fighting COVID–19, not only to speed discovery of therapeutics and vaccines but also to support Americans in conducting their education, healthcare, personal relationships, and businesses remotely wherever possible. *The increased national commitment to IT R&D has been reflected in the growth in combined investment by NITRD's Federal member agencies from less than $500 million in 1991 to nearly $6.5 billion for FY2021. For more information about the NITRD Program, please visit our website: https://www.nitrd.gov/about/.*

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on November 19, 2021.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2021–25894 Filed 11–26–21; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–133 and 72–027; NRC–2021–0205]**

### Pacific Gas and Electric Company, Humboldt Bay Power Plant, Unit 3

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License termination; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is noticing the termination of the Pacific Gas and Electric Company (PG&E) Humboldt Bay Power Plant, Unit 3 (HBPP, Unit 3) Facility Operating License, No. DPR–7, located near Eureka, California.

**DATES:** The license termination for DPR–7 was issued on November 18, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0205 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0205. 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.* See the request dated October 21, 2021 (ADAMS Accession No. ML21294A421) and the NRC staff's Safety Evaluation Report (SER) (ADAMS Accession No. ML21295A251). Documents identified in the notice are available to interested

persons through ADAMS, as indicated in the SER.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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:** Amy M. Snyder, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6822, email: *Amy.Snyder@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Humboldt Bay Power Plant, Unit 3 (HBPP, Unit 3 or the facility), was a 65-Megawatt electric Boiling Water Reactor, which was last operated in 1976, and was permanently defueled in 1984.

The HBPP, Unit 3 is located about four miles true southwest of the city of Eureka, Humboldt County, California, and consists of approximately 113 acres of land. PG&E, the licensee, is operating Humboldt Bay Generating Station, a new dual fueled (natural gas and diesel) power plant, on the Humboldt Bay site adjacent to the south side of the facility. The Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI) is located on site approximately 600 feet northwest of the Humboldt Bay Generating Station.

On May 4, 2016, in response to PG&E's application dated May 3, 2013, as supplemented on February 14, March 31, April 2, and August 13, of 2014, and March 16, 2015, the Commission issued license Amendment No. 45. Among other things, this license amendment approved HBPP, Unit 3's License Termination Plan (LTP), incorporated it into HBPP, Unit 3's license, specified limits to the changes the licensee could make without prior NRC approval. Since the issuance of Amendment No. 45 and the approval of the HBPP, Unit 3 LTP, the NRC staff has reviewed Final Status Survey Reports (FSSRs) of several survey units associated with HBPP, Unit 3. During its review, the NRC staff noted that the licensee had not accounted for either all its Radionuclides of Concern (ROCs) or its insignificant radionuclides in a manner consistent with the LTP. When asked about these issues, the licensee responded with additional data. By letter dated February 8, 2021, as supplemented on April 29, and May 20, 2021, PG&E also submitted a request to amend License No. DPR–7 for HBPP, Unit 3 to change how it assesses insignificant/hard-to-detect (HTD) ROCs. The NRC approved the amended LTP by a license amendment, dated June 24, 2021, as corrected on July 8, 2021.

The licensee conducted decommissioning activities at HBPP, Unit 3 in accordance with the approved LTP from May 2016 to July 2021. In accordance with the approved LTP, the licensee conducted Final Status Surveys (FSSs) to demonstrate that site, excluding the ISFSI, meet the criteria for unrestricted release as presented in Section 20.1402 of title 10 of the *Code of Federal Regulations* (10 CFR). Details of the FSS results were submitted to the NRC FSSRs. These reports are listed in Table 2 of the SER.

PG&E submitted a request for termination of the HBPP, Unit 3 Facility Operating License, No. DPF–7, on October 21, 2021. The application states that PG&E has completed the remaining radiological decommissioning and FSSs of the HBPP, Unit 3 site in accordance with the NRC approved LTP, and that the FSSs demonstrate that the site (entire site, excluding the ISFSI), meet the criteria for decommissioning and release of the site for unrestricted use in accordance with 10 CFR part 20, subpart E.

The NRC conducted performance-based in-process inspections of the licensee's FSS program, identified in Table 1 of the SER, during the decommissioning process. The purpose of the inspections was to verify that the FSSs were being conducted in accordance with the commitments made by the licensee in the LTP, and to evaluate the quality of the FSSs by reviewing the FSS procedures, methodology, equipment, surveyor training and qualifications, document quality control, and survey data supporting the FSSRs. In addition, the NRC conducted numerous independent confirmatory surveys to verify the FSS results obtained and reported by the licensee. Confirmatory surveys consisted of surface scans for beta and gamma radiation, direct measurements for total beta activity, and collection of smear samples for determining removable radioactivity levels.

The NRC staff reviewed the FSS report and concludes that: (i) The remaining dismantlement has been performed in accordance with the approved LTP; (ii) the FSSs and associated documentation, including an assessment of dose contributions associated with parts released for use before approval of the LTP, demonstrate that the entire site, excluding the ISFSI, have met the criteria for decommissioning in 10 CFR part 20, subpart E; and (iii) PG&E has met the 10 CFR part 30, 40, and 70 requirements for forwarding specific records to NRC prior to license termination. Therefore, NRC is terminating HBPP, Unit 3 Facility Operating License No. DPR–7.

For the Nuclear Regulatory Commission.

Dated: November 22, 2021.

**Ashley B. Roberts,**

*Acting Division Director, Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2021–25887 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–255; NRC–2021–0142]**

## Entergy Nuclear Operations, Inc., Palisades Nuclear Plant

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a partial exemption in response to a June 15, 2021, request from Entergy Nuclear Operations, Inc. (Entergy, the licensee). The issuance of the exemption would grant Entergy a partial exemption from regulations that require the retention of records for certain systems, structures, and components associated with the Palisades Nuclear Plant (PNP) until the termination of the PNP operating license.

**DATES:** The exemption was issued on November 23, 2021

**ADDRESSES:** Please refer to Docket ID NRC–2021–0142 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0142. Address questions about Dockets 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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

**FOR FURTHER INFORMATION CONTACT:** Scott P. Wall, Office of Nuclear Reactor Regulation; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2855; email: *Scott.Wall@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The text of the exemption is attached.

Dated: November 23, 2021.

For the Nuclear Regulatory Commission.

**Scott P. Wall,**

*Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

## NUCLEAR REGULATORY COMMISSION

*Docket No. 50–255*

## Entergy Nuclear Operations, Inc.; Palisades Nuclear Plant Exemption

### I. Background

The Palisades Nuclear Plant (PNP) is a pressurized-water reactor located in Van Buren County, Michigan. Entergy Nuclear Operations, Inc. (Entergy, the licensee) holds Renewed Facility Operating License No. DPR–20 for PNP. The license provides that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

By letter dated January 4, 2017 (ADAMS Accession No. ML17004A062), as supplemented by letters dated September 28, 2017, and October 19, 2017 (ADAMS Accession Nos. ML17271A233 and ML17292A032), the licensee submitted notification to the NRC indicating that it would permanently shut down the PNP no later than May 31, 2022. Once Entergy certifies that it has permanently defueled the PNP reactor vessel and placed the fuel in the spent fuel pool (SFP), pursuant to Section 50.82(a)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), the PNP renewed facility operating license will no longer authorize operation of the reactor or emplacement or retention of fuel in the reactor vessel. However, the licensee will still be authorized to possess, and store irradiated nuclear fuel. Irradiated fuel is currently being stored onsite in the SFP and in independent spent fuel storage installation (ISFSI) dry casks. The irradiated fuel will be stored in the ISFSI until it is shipped off-site. When the reactor is defueled, the reactor, the reactor coolant system, and the secondary system will no longer be in operation and will have no function related to the safe storage and management of irradiated fuel.

### II. Request/Action

By letter dated June 15, 2021 (ADAMS Accession No. ML21167A108), Entergy submitted a partial exemption request for NRC approval from the record retention requirements of: (1) 10 CFR part 50, Appendix B, Criterion XVII, ''Quality Assurance Records,'' which requires certain records (*e.g.,* results of inspections, tests, and materials analyses) be maintained consistent with applicable regulatory requirements; (2) 10 CFR 50.59(d)(3), which requires that records of changes in the facility must be maintained until termination of a license issued pursuant to 10 CFR part 50; and (3) 10 CFR 50.71(c), which requires certain records to be retained for the period specified by the appropriate regulation, license condition, or technical specification (TS), or retained until termination of the license if not otherwise specified.

The licensee requested the partial exemptions because it wants to eliminate: (1) Records associated with structures, systems, and components (SSCs) and activities that were applicable to the nuclear unit, which are no longer required by the 10 CFR part 50 licensing basis because the SSCs and activities have been removed from the Updated Final Safety Analysis Report (UFSAR) or TSs by appropriate change mechanisms; and (2) records associated with the storage of spent nuclear fuel in the SFP once all fuel has been removed from the SFP and the PNP license no longer allows storage of fuel in the SFP. The licensee cites record retention partial exemptions granted to Zion Nuclear Power Station, Units 1 and 2 (ADAMS Accession No. ML111260277), Vermont Yankee Nuclear Power Station (ADAMS Accession No. ML15344A243), San Onofre Nuclear Generating Station, Units 1, 2, and 3 (ADAMS Accession No. ML15355A055), Kewaunee Power Station (ADAMS Accession No. ML17069A394), Oyster Creek Nuclear Generating Station (ADAMS Accession No. ML18122A306), Pilgrim Nuclear Power Station (ADAMS Accession No. ML19087A152), and Indian Point Nuclear Generating Unit Nos. 2 and 3 (ADAMS Accession No. ML20236J852) as examples of the NRC granting similar requests.

Records associated with residual radiological activity and with programmatic controls necessary to support decommissioning, such as records associated with security and quality assurance, are not affected by the partial exemption request; these will be retained as decommissioning records, as required by 10 CFR part 50, until the termination of the PNP license. In addition, the licensee did not request an exemption associated with any other recordkeeping requirements for the storage of spent fuel at its ISFSI under 10 CFR part 50 or the general license requirements of 10 CFR part 72. Lastly, no exemption was requested from the decommissioning records retention requirements of 10 CFR 50.75 or from any other requirements of 10 CFR part 50 applicable to decommissioning and dismantlement.

### III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security. However, the Commission will not consider granting an exemption unless special circumstances, described in 10 CFR 50.12(a)(2), are present.

The licensee plans to leave in place PNP reactor facility SSCs that are not required for safe storage of SFP and SSCs that are no longer operable or maintained. These retired SSCs will remain in place until dismantlement. Following permanent removal of fuel from the SFP, those SSCs required to support safe storage of spent fuel in the SFP will also be abandoned. In its June 15, 2021, partial exemption request, the licensee stated that the basis for eliminating records associated with reactor facility SSCs and activities is that these SSCs have been or will be removed from service per regulatory change processes, dismantled or demolished, and released from any function regulated by the NRC.

The licensee recognizes that some records related to the nuclear unit will continue to be under NRC regulation primarily due to residual radioactivity. The radiological and other necessary programmatic controls (such as controls for security, quality assurance, etc.) for the facility and the implementation of controls for the defueled condition and the decommissioning activities are and

will continue to be appropriately addressed through the license and current plant documents such as the UFSAR and TSs. Except for future changes made through the applicable change processes defined in the regulations (*e.g.,* 10 CFR 50.48(f), 10 CFR 50.59, 10 CFR 50.90, 10 CFR 50.54(a), 10 CFR 50.54(p), 10 CFR 50.54(q), etc.), these programmatic elements and their associated records are unaffected by the requested partial exemption.

Records necessary for SFP SSCs and activities will continue to be retained until the SFP is no longer needed for safe storage of irradiated fuel. Analogous to other plant records, once the SFP is permanently emptied of fuel, there will be no need for retaining SFP related records.

Entergy's general justification for eliminating records associated with PNP SSCs that have been or will be dismantled, demolished, or otherwise removed from service under the NRC license is that these SSCs will not in the future serve any PNP functions regulated by the NRC. The decommissioning plans for PNP are described in the Post-Shutdown Decommissioning Activities Report dated December 23, 2019 (ADAMS Accession No. ML20358A075) and are contingent on the approval of the pending license transfer (ADAMS Accession No. ML21011A067). The proposed decommissioning process involves evaluating SSCs with respect to the current facility safety analysis; progressively removing them from the licensing basis where necessary through appropriate change mechanisms (*e.g.,* without prior NRC approval under 10 CFR 50.59 or via a license amendment under 10 CFR 50.90, as applicable); revising the defueled safety analysis report and/or UFSAR as necessary; and then proceeding with an orderly dismantlement.

Entergy intends to retain the records required by its license as the facility's decommissioning transitions. However, equipment abandonment will obviate the regulatory and business needs for maintenance of most records. As the SSCs are removed from the licensing basis, Entergy asserts that the need for their records is, on a practical basis, eliminated. Therefore, Entergy is requesting partial exemptions from the associated records retention requirements for SSCs and historical activities that are no longer relevant. Entergy is not requesting to be exempt from any recordkeeping requirements for storage of spent fuel at an ISFSI under 10 CFR part 50 or the general license requirements of 10 CFR part 72.

*A. Authorized by Law*

As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from 10 CFR part 50 requirements if it makes certain findings, including a finding that special circumstances are present. As described here and in the sections below, the NRC has made the requisite findings. In addition, granting the licensee's proposed partial exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, other laws, or the Commission's regulations. Therefore, the granting of the partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) is authorized by law.

*B. No Undue Risk to Public Health and Safety*

As SSCs are prepared for safe storage operation activities and eventual decommissioning and dismantlement, they will be removed from NRC licensing basis documents through appropriate change mechanisms, such as without prior NRC approval through the 10 CFR 50.59 screening process or through a license amendment request approved by the NRC. These change processes involve either a licensee determination or an NRC determination that the affected SSCs no longer serve any safety purpose regulated by the NRC. Therefore, the removal of the SSCs would not present an undue risk to the public health and safety. In turn, elimination of records associated with these removed SSCs would not adversely affect public health and safety.

The granting of a partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the records described is administrative in nature and will have no impact on any remaining decommissioning activities or on radiological effluents. The granting of the partial exemption request will only advance the schedule for disposition of the specified records. Because these records contain information about SSCs associated with reactor operation and contain no information needed to maintain the facility in a safe condition when the facility is permanently defueled and the SSCs are dismantled, the elimination of these records on an advanced timetable will have no reasonable possibility of presenting any undue risk to public health and safety.

*C. Consistent With the Common Defense and Security*

The elimination of the recordkeeping requirements does not involve information or activities that could potentially impact the common defense and security of the United States. Upon dismantlement of the affected SSCs, the records would have no functional purpose relative to maintaining the safe operation of the SSCs, maintaining conditions that would affect the ongoing health and safety of workers or the public, or informing decisions related to nuclear security.

Rather, the partial exemptions requested are administrative in nature in that they would only advance the current schedule for disposition of the specified records. Therefore, the partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for the types of records described is consistent with the common defense and security.

*D. Special Circumstances*

Paragraph 50.12(a)(2) of 10 CFR states, in part:

The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever— . . . (ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted . . . .

Criterion XVII of Appendix B to 10 CFR part 50, states, in part: ''Sufficient records shall be maintained to furnish evidence of activities affecting quality.''

Paragraph 50.59(d)(3) states, in part: ''The records of changes in the facility must be maintained until the termination of an operating license issued under this part . . . .''

Paragraph 50.71(c) of 10 CFR states, in part:

Records that are required by the regulations in this part or part 52 of this chapter, by license condition, or by technical specifications must be retained for the period specified by the appropriate regulation, license condition, or technical specification. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility license . . . .

In the Statement of Considerations for the final rulemaking, ''Retention Periods

for Records'' (53 FR 19240; May 27, 1988), in response to public comments received during the rulemaking process, the NRC stated that records must be retained ''for NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety.'' The Commission also explained that requiring licensees to maintain adequate records assists the NRC ''in judging compliance and noncompliance, to act on possible noncompliance, and to examine facts as necessary following any incident.''

These regulations apply to licensees in decommissioning. During the decommissioning process, safety-related SSCs are retired or disabled and subsequently removed from NRC licensing basis documents by appropriate means. Appropriate removal of an SSC from the licensing basis requires either a licensee or NRC determination that the SSC no longer has the potential to cause an accident, event, or other problem which would adversely impact public health and safety.

The records identified for removal in this partial exemption request are associated with SSCs that had been important to safety during power operation or operation of the SFP, but are no longer capable of causing an event, incident, or condition that would adversely impact public health and safety, as evidenced by their appropriate removal from the licensing basis documents. Therefore, because the SSCs no longer have the potential to cause an event, incident, or condition that would adversely impact public health and safety, the records associated with these SSCs would not reasonably be necessary to assist the NRC in determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident. Therefore, their retention would not serve the underlying purpose of the rule.

In addition, once removed from the licensing basis documents (*e.g.,* UFSAR or TS), SSCs are no longer governed by the NRC's regulations, and therefore, are not subject to compliance with the safety and health requirements that apply to the nuclear environment. As such, retention of records associated with SSCs that are or will no longer be part of the facility serves no safety or regulatory purpose, nor does it serve the underlying purpose of the rule of maintaining compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission. Accordingly, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(ii), to grant the requested partial exemption.

Records which continue to serve the underlying purpose of the rule—that is, to maintain compliance and to protect public health and safety in support of the NRC's mission—will continue to be retained pursuant to the regulations in 10 CFR part 50 and 10 CFR part 72. Retained records that are not subject to the proposed partial exemption include those associated with programmatic controls, such as those pertaining to residual radioactivity, security, and quality assurance, as well as records associated with the ISFSI and spent fuel assemblies.

The special circumstance of an unintended, significant undue burden also justifies the consideration of this exemption. The retention of records required by 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) provides assurance that records associated with SSCs will be captured, indexed, and stored in an environmentally suitable and retrievable condition. Given the volume of records associated with the SSCs, compliance with the records retention rule results in a considerable cost to the licensee. Retention of the volume of records associated with the SSCs during the operational phase is appropriate to serve the underlying purpose of determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident, as discussed.

However, the cost effect of retaining operational phase records beyond the operations phase until the termination of the license was not fully considered or understood when the records retention rule was put in place. For example, existing records storage facilities are eliminated as decommissioning progresses. Retaining the capability to store or maintain records associated with SSCs and activities that no longer serve a safety or regulatory purpose could therefore result in an unnecessary financial and administrative burden. As such, compliance with the rule would result in an undue cost in excess of that contemplated when the rule was adopted. Accordingly, special circumstances are present which the NRC may consider, pursuant to 10 CFR 50.12(a)(2)(iii), to grant the partial exemption request.

*E. Environmental Considerations*

In 10 CFR 51.22, the Commission determined that certain NRC actions are eligible for categorical exclusion from the requirement to prepare an environmental assessment or an environmental impact statement because each action category does not individually or cumulative have a significant effect on the human environment. Pursuant to 10 CFR 51.22(b) and (c)(25), the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR meets the eligibility criteria for categorical exclusion provided that: (1) There is no significant hazards consideration; (2) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (3) there is no significant increase in individual or cumulative public or occupational radiation exposure; (4) there is no significant construction impact; (5) there is no significant increase in the potential for or consequences from radiological accidents; and (6) the requirements from which an exemption is sought involve, as stated in 10 CFR 51.22(c)(25)(vi)(A), recordkeeping requirements. Under 10 CFR 50.92(c), there is no significant hazards consideration if the action does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The grant of the partial exemptions requested is administrative in nature in that it would remove requirements to retain and maintain certain records until license termination. The grant of partial exemptions has no effect on SSCs and no effect on the capability of any plant SSC to perform its design function. The partial exemptions would not increase the likelihood of the malfunction of any plant SSC. The probability of occurrence of previously evaluated accidents is not increased, since most previously analyzed accidents will no longer be able to occur and the probability and consequences of the remaining fuel handling accident are unaffected by the partial exemption request. Therefore, the partial exemptions do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The grant of partial exemptions does not involve a physical alteration of the plant. No new or different type of equipment will be installed and there are no physical modifications to existing equipment associated with the partial exemption request. Similarly, the partial exemptions do not authorize any

physicals changes in any SSCs involved in the mitigation of any accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the partial exemptions do not create the possibility of a new accident as a result of new failure modes associated with any equipment or personnel failures. No changes are being made to parameters within which the plant is normally operated, or in the setpoints which initiate protective or mitigative actions, and no new failure modes are being introduced. Therefore, the partial exemptions do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The grant of the partial exemptions would not authorize alteration of the design basis or any safety limits for the plant. The exemptions would not impact station operation or any plant SSC that is relied upon for accident mitigation. Therefore, the partial exemptions do not involve a significant reduction in a margin of safety.

For these reasons, the NRC has determined that approval of the partial exemptions requested involves no significant hazards consideration because granting a partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) at the decommissioning PNP does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. Likewise, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure because the exemptions grant relief from recordkeeping requirements for retired SSCs and activities that are no longer needed after the permanent defueling of the reactor or the after placement of irradiated nuclear fuel in dry storage.

The exempted regulations are not associated with construction, so there is no significant construction impact. The exempted regulations do not concern the source term (*i.e.,* potential amount of radiation involved in an accident) or accident mitigation; therefore, there is no significant increase in the potential for, or consequences from, radiological accidents. Allowing partial exemptions from the record retention requirements for which the exemption is sought involves recordkeeping requirements.

Therefore, pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25)(i)–(vi)(A), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the partial exemption requests.

## IV. Conclusions

The NRC has determined that the granting of a partial exemption from the recordkeeping (*i.e.,* record retention and maintenance) requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3), which will allow the licensee to discontinue records that are no longer required to support the licensed activities after permanent cessation of operations or after placement of irradiated fuel in dry storage, will not present an undue risk to the public health and safety. The destruction of the identified records will not impact remaining decommissioning activities; plant operations, configuration, and/or radiological effluents; operational and/or installed SSCs that are quality-related or important to safety; or nuclear security. The NRC staff determined that the destruction of the identified records is administrative in nature and does not involve information or activities that could potentially impact the common defense and security of the United States.

The purpose for the recordkeeping regulations is to assist the NRC in carrying out its mission to protect the public health and safety by ensuring that the licensing and design basis of the facility is understood, documented, preserved and retrievable in such a way that will aid the NRC in determining compliance and noncompliance, taking action on possible noncompliance, and examining facts following an incident. Since the PNP SSCs that were safety-related or important to safety have been or will be removed from the licensing basis and removed from the plant, the NRC staff finds that the records identified in the exemption request will no longer be required to achieve the underlying purpose of the records retention rule.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the partial exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy a partial exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix B, Criterion XVII; and 10 CFR 50.59(d)(3) for PNP only to the extent necessary to allow the licensee to advance the schedule to remove records associated with SSCs that have been or will be removed from NRC licensing basis documents by appropriate change mechanisms (*e.g.,* 10 CFR 50.59 or via NRC-approved license amendment request, as applicable).

The exemptions are effective upon submittal of the licensee's certification of permanent fuel removal, under 10 CFR 50.82(a)(1).

Dated at Rockville, Maryland, this 23rd day of November 2021.

For the Nuclear Regulatory Commission.

/RA/

Bo M. Pham,

*Director, Division of Operating Reactor Licensing.*

[FR Doc. 2021–25948 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52–025 and 52–026; NRC–2008–0252]**

## Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant Units 3 and 4

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC, the Commission) is issuing an exemption from the Commission's regulations in response to a November 1, 2021, request from Southern Nuclear Operating Company, Inc. (SNC), as applicable to Vogtle Electric Generating Plant (VEGP) Units 3 and 4. Specifically, SNC requested a scheduler exemption from NRC regulations that require a holder of a combined license (COL) to implement certain physical protection and personnel access authorization requirements for a power reactor before fuel is allowed onsite (in the protected area). This exemption allows SNC to implement these requirements for each unit after the Commission finds that the acceptance criteria in the COL are met for the unit and prior to that unit's initial fuel load into the reactor.

**DATES:** The exemption was issued on November 23, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0252 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–2008–0252. 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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the exemption was submitted by letter dated November 1, 2021, and is available in ADAMS under Accession No. ML21305B797.

• NRC's PDR: You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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:** Cayetano Santos Jr., Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7270; email: *Cayetano.Santos@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

SNC, Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia are the holders of facility COL Nos. NFP–91 and NPF–92, which authorize the construction and operation of VEGP Units 3 and 4. The facilities consist of two Westinghouse Electric Company (Westinghouse) AP1000 pressurized-water reactors located in Burke County, Georgia. The licenses are subject to the rules, regulations, and orders of the NRC.

Paragraphs 52.79(a)(35) and (a)(36) of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' require a COL applicant, including for VEGP Units 3 and 4, to include in its final safety analysis report a physical security plan, a safeguards contingency plan, a training and qualifications plan, and a cyber security plan that describes how the applicant will meet the applicable security requirements of 10 CFR part 73 and how the applicant will implement these plans. Vogtle satisfied these requirements in its COL application. For applicants or licensees under 10 CFR part 52, these security plans must carry out the requirements in § 73.55, including the requirements in § 73.55(a)(4) governing physical protection at the site and the requirements in § 73.56, including the requirements in § 73.56(a)(3) governing access authorization at the site.

For VEGP Units 3 and 4, SNC applied for and was issued licenses under 10 CFR part 70, ''Domestic Licensing of Special Nuclear Material,'' as part of the COLs. These Part 70 licenses authorize possession and use of special nuclear material (SNM) in the forms and for the purposes specified in the COL. As relevant to this exemption, the VEGP Units 3 and 4 COLs (1) authorize the licensee to receive and possess, but not use, SNM as reactor fuel prior to the Commission's finding under 10 CFR 52.103(g) that the acceptance criteria in the COL are met for a particular unit, and (2) authorize the licensee to use the SNM as reactor fuel, after the Commission has made the § 52.103(g) finding for the unit. After the § 52.103(g) finding is made, the licensee may begin operation, including loading of fuel, in accordance with the conditions of the license.

As required by § 70.22(k), COL applicants seeking to possess SNM of moderate strategic significance (also known as a Category II quantity of SNM) or 10 kg or more of SNM of low strategic significance (also known as a Category III quantity of SNM), as defined in § 70.4, ''Definitions,'' must have a security plan that identifies how the licensee will meet the applicable security requirements in §§ 73.67(d), (e), (f), and (g) for the protection of the SNM (*e.g.,* unirradiated reactor fuel, intermediate range detectors, etc.). Therefore, SNC developed, and the NRC approved, a physical security plan for VEGP Units 3 and 4 that demonstrates how SNC will meet the applicable security requirements in § 73.67, ''Licensee fixed site and in-transit requirements for the physical protection of special nuclear material of moderate and low strategic significance.''

## II. Request/Action

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' by letter dated November 1, 2021 (ADAMS Accession No. ML21305B797), SNC requested a schedular exemption from the requirements of §§ 73.55(a)(4) and 73.56(a)(3) to allow VEGP Units 3 and 4 to implement the requirements of a physical protection program in accordance with § 73.55, and the associated personnel access authorization program requirements in accordance with § 73.56, for each unit after the Commission makes its finding under § 52.103(g) for the unit and prior to the start of that unit's initial fuel load into the reactor. As SNC's exemption request indicates, the requested exemption would expire when SNC implements the requirements of 10 CFR 73.55 and 73.56.

As required by 10 CFR 73.55(a)(4), ''holders of a combined license under the provisions of 10 CFR part 52 of this chapter, shall implement the requirements of this section before fuel is allowed onsite (protected area).'' The 2009 Power Reactor Security Requirements Final Rule states, ''Section 73.55(a)(4) establishes when an applicant's physical protection program must be implemented. The Commission concluded that the receipt of [SNM] in the form of fuel assemblies onsite, *i.e.,* in the licensee's protected area, is the event that subjects a licensee to the requirements of § 73.55. It is the responsibility of the applicant/licensee to implement an effective physical protection program before SNM in the form of fuel assemblies is received in the protected area'' (74 FR 13936, March 27, 2009). Similarly, 10 CFR 73.56(a)(3) requires, in part, that ''each holder of a combined license under the provisions of part 52 of this chapter, shall implement the requirements of this section before fuel is allowed on site (protected area).''

## III. Discussion

Pursuant to § 73.5, the Commission may, upon application by an interested person, or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73, ''Physical Protection of Plants and Materials,'' as it determines (1) are authorized by law, (2) will not endanger life or property or the common defense and security, and (3) are otherwise in the public interest.

### *A. The Exemption Is Authorized by Law*

A proposed exemption under 10 CFR 73.5 is authorized by law if it will not endanger life or property or the common defense and security and is otherwise in

the public interest, and no other provisions in law prohibit, or otherwise restrict, its application. The NRC has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. As discussed below, the NRC also finds that the other requirements for an exemption under 10 CFR 73.5 are met. Accordingly, the NRC finds that the exemption is authorized by law.

*B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security*

The schedular exemption from the requirements of §§ 73.55(a)(4) and 73.56(a)(3) would allow SNC to continue construction activities without having to implement the physical security and access authorization requirements in §§ 73.55 and 73.56, respectively, until prior to each unit's initial fuel load into the reactor. SNC stated that the exemption does not alter the design, function, or operation of any structure or plant equipment that is necessary to maintain a safe and secure status of the plant. Further, the exemption does not alter or otherwise invalidate any Physical Security Hardware-related Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) closure notifications, which would have been submitted to, and accepted by, the NRC staff in advance of the § 52.103(g) finding that the acceptance criteria of the ITAAC in the COL are met.

In its letter dated November 1, 2021, SNC stated, in part, that during the period between the § 52.103(g) finding and the implementation of the physical protection program and access authorization program, SNM will continue to be stored inside the controlled access area and protected in accordance with the requirements of SNC's NRC-approved § 73.67 special nuclear material physical protection program (SNMPPP). Prior to moving fuel outside the controlled access area (*i.e.,* from the auxiliary building to containment in support of fuel load), the § 73.55 physical protection program and § 73.56 access authorization program will have to be implemented, as the SNMPPP can no longer be used for physical protection. Thus, SNC stated that the exemption has no impact on the licensee's capabilities to protect the unirradiated reactor fuel and intermediate range detectors already on site. And as SNC recognizes, it must implement the requirements of § 73.55 and § 73.56 before moving fuel outside the controlled access area.

As required by 10 CFR 73.55(b)(1) and 10 CFR 73.56(c), applicants for an operating license under the provisions of 10 CFR part 50, and each holder of a COL under the provisions of 10 CFR part 52, shall (1) establish and maintain a physical protection program which will have as its objective to provide high assurance that activities involving SNM are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety and (2) have an access authorization program which provides high assurance that specified individuals are trustworthy and reliable, such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

The NRC has established a regulatory framework that protects SNM in a manner commensurate with the risk associated with the material. The security requirements in § 73.67 consider the risk significance of the material being protected. Unirradiated reactor fuel brought onsite at nuclear power reactors typically constitutes a Category III quantity of SNM. Because of its low enrichment, unirradiated reactor fuel poses no significant risk to public health and safety and protecting it in accordance with § 73.67 would not be inimical to the common defense and security. The NRC has determined that it is appropriate to protect unirradiated reactor fuel and other non-fuel SNM brought onsite at an NRC-licensed commercial nuclear power reactor in accordance with § 73.67 until that material is protected in accordance with § 73.55. Therefore, requiring SNC to implement the requirements of §§ 73.55 and 73.56 to protect unirradiated reactor fuel and other non-fuel SNM that is already being protected in accordance with the requirements of § 73.67 is unnecessary.

Unirradiated reactor fuel (or other SNM) that is onsite after the 10 CFR 52.103(g) finding and prior to initial fuel load into the reactor is adequately protected by licensee implementation of the requirements in § 73.67, including the creation of a controlled access area. The security risk only increases once the material is irradiated or if the physical protection requirements are relaxed from that required by § 73.67. Therefore, applying § 73.55 and § 73.56 security requirements to the protection of unirradiated reactor fuel and intermediate range detectors stored onsite prior to initial fuel load into the reactor is unnecessary. SNC's proposal to protect unirradiated reactor fuel and intermediate range detectors under its NRC-approved § 73.67 SNMPPP after the Commission makes its finding under § 52.103(g) and prior to the start of each unit's initial fuel load into the reactor would ensure that the SNM currently onsite is adequately protected.

Accordingly, the NRC finds that the exemption will not endanger life or property or the common defense and security.

*C. The Exemption Is Otherwise in the Public Interest*

In a letter dated November 1, 2021, SNC stated, in part, that the public has an interest in the efficient execution of regulatory activities and that implementing a physical protection program and an access authorization program after the § 52.103(g) finding and before initial fuel load into the reactor, allows construction activities to continue without the burden of adhering to the requirements of §§ 73.55(a)(4) and 73.56(a)(3). Additionally, as stated in § 73.55(b)(1), the objective of § 73.55 is to provide high assurance that activities involving SNM are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety. Per § 73.55(b)(3), the physical protection program is designed to prevent significant core damage and spent fuel sabotage. SNC stated that without irradiated fuel there can be no significant core damage or spent fuel sabotage, thereby not constituting an unreasonable risk to the public health and safety. Additionally, the NRC issued a Part 70 license for SNC to receive fuel, and SNC has an NRC-approved SNMPPP to protect the SNM already onsite, where it is stored in a controlled access area. Furthermore, the NRC staff reviewed SNC's SNMPPP and concluded that the plan satisfies the requirements specified in § 73.67. Therefore, SNC indicated that requiring the premature implementation of labor and other resources associated with §§ 73.55 and 73.56 before the § 52.103(g) finding represents a costly and unnecessary burden. Furthermore, the letter stated that granting the exemption would have a beneficial impact on construction of VEGP Units 3 and 4 by allowing personnel to continue to efficiently perform construction activities between the § 52.103(g) finding and the initial fuel load milestone.

As previously stated, the NRC has established a regulatory framework that protects SNM in a manner commensurate with the risk associated with the material. The security requirements in § 73.67 consider the

risk significance of the material being protected. Unirradiated reactor fuel brought onsite at nuclear power reactors typically constitutes a Category III quantity of SNM. Because of its low enrichment, unirradiated reactor fuel poses no significant risk to public health and safety and protecting it in accordance with § 73.67 would not be inimical to the common defense and security. The NRC has determined that it is appropriate to protect unirradiated reactor fuel and other non-fuel SNM brought onsite at an NRC-licensed commercial nuclear power reactor in accordance with § 73.67. Therefore, requiring SNC to implement the requirements of §§ 73.55 and 73.56 to protect unirradiated reactor fuel and other non-fuel SNM that is already being adequately protected in accordance with the requirements of § 73.67 is an unnecessary burden on SNC.

Based on the above, the NRC finds that the exemption is otherwise in the public interest.

*D. Environmental Considerations*

As further discussed, the NRC has determined that granting this exemption from the requirements of §§ 73.55(a)(4) and 73.56(a)(3) meets the criteria for a categorical exclusion in 10 CFR 51.22(c)(25) because (i) there is no significant hazards consideration, (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure, (iv) there is no significant construction impact, (v) there is no significant increase in the potential for or consequences from radiological accidents, and (vi) the exemption is from scheduling requirements.

The granting of this exemption involves no significant hazards consideration (as defined by 10 CFR 50.92(c)) because:

- The exemption does not alter the design, function, or operation of any plant equipment; therefore, granting the exemption would not involve a significant increase in the probability or consequences of an accident previously evaluated.
- The exemption does not alter the design, function, or operation of any plant equipment or create any new failure mechanisms, malfunctions, or accident initiators. Therefore, granting the exemption would not create the possibility of a new or different kind of accident from any accident previously evaluated.
- The exemption does not adversely affect any structure, system, or component (SSC), SSC design function, or method of performing or controlling a design function. The exemption does not affect safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit or criterion is challenged or exceeded by the exemption. Therefore, granting the exemption would not involve a significant reduction in a margin of safety.

The requested exemption does not alter the design, function, or operation of any plant equipment, and there are no changes to effluent types, plant radiological or non-radiological effluent release quantities, any effluent release path, or the functionality of any design or operational feature credited with controlling the release of effluents during plant operation or construction. Therefore, the proposed exemption does not involve a significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

There are no changes to plant radiation zones, nor any change to controls required under 10 CFR part 20 that preclude a significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the proposed exemption does not involve a significant increase in individual or cumulative public or occupational radiation exposure.

The requested exemption does not alter the materials or methods for constructing or testing of any SSCs, and there is no change to the design or construction of the facility as a result of this exemption. Therefore, the proposed exemption does not involve a significant construction impact.

Finally, the NRC determined, per § 51.22(c)(25)(vi)(G), that the requirements from which the exemption is sought involve scheduling requirements because 10 CFR 73.55(a)(4) and 73.56(a)(3) govern when the requirements of 10 CFR 73.55 and 73.56 must be implemented.

Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in § 51.22(c)(25). Therefore, in accordance with § 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with granting the requested exemption.

**IV. Granting of Exemption**

For the reasons stated in this notice, the Commission is granting the following exemption for VEGP Units 3 and 4 because it has determined, pursuant to § 73.5, that the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest:

- Effective immediately, the Commission hereby grants SNC an exemption for VEGP Unit 3 from the schedule requirements of §§ 73.55(a)(4) and 73.56(a)(3) to allow SNC to implement the physical protection requirements in accordance with § 73.55, and the personnel access authorization requirements in accordance with § 73.56, after the Commission makes its finding under § 52.103(g) for Unit 3 and prior to the start of Unit 3's initial fuel load into the reactor. The exemption for VEGP Unit 3 expires when SNC implements the requirements of 10 CFR 73.55 and 10 CFR 73.56 for VEGP Unit 3, which must occur before initial fuel load for VEGP Unit 3.
- Effective immediately, the Commission hereby grants SNC an exemption for VEGP Unit 4 from the schedule requirements of §§ 73.55(a)(4) and 73.56(a)(3) to allow SNC to implement the physical protection requirements in accordance with § 73.55, and the personnel access authorization requirements in accordance with § 73.56, after the Commission makes its finding under § 52.103(g) for Unit 4 and prior to the start of Unit 4's initial fuel load into the reactor. The exemption for VEGP Unit 4 expires when SNC implements the requirements of 10 CFR 73.55 and 10 CFR 73.56 for VEGP Unit 4, which must occur before initial fuel load for VEGP Unit 4.

For the Nuclear Regulatory Commission.
Dated: November 23, 2021.

**Gregory T. Bowman,**

*Director, Vogtle Project Office, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–25952 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–608; NRC–2021–0140]**

## SHINE Medical Technologies, LLC; SHINE Medical Isotope Production Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and

finding of no significant impact (FONSI) regarding the NRC's consideration of issuance of a proposed amendment to the SHINE Medical Technologies, LLC (SHINE, the licensee) Construction Permit No. CPMIF–001, issued on February 29, 2016. The permit authorizes the construction of the SHINE Medical Isotope Production Facility (SHINE facility) in Rock County, Wisconsin. If approved, the proposed amendment would authorize the receipt and possession of certain radioactive materials necessary for the continued construction of the SHINE facility.

**DATES:** The EA and FONSI referenced in this document are available on November 29, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2021–0140 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0140. 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.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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:** Michael Balazik, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2856; email: *Michael.Balazik@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

The NRC is considering issuance of an amendment to Construction Permit No. CPMIF–001, issued to SHINE for the construction of the SHINE facility in Rock County, Wisconsin. SHINE requested the amendment by letter dated April 29, 2021, as supplemented by letter dated August 20, 2021, in accordance with Section 50.90 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Application for amendment of license, construction permit, or early site permit,'' and 10 CFR 50.34, ''Contents of applications; technical information.'' The amendment would authorize the receipt and possession of certain radioactive materials necessary for the continued construction of the SHINE facility.

In accordance with 10 CFR 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments,'' the NRC prepared an EA, pursuant to 10 CFR 51.30, ''Environmental assessment,'' that analyzes the environmental impacts of the proposed amendment and alternatives as appropriate. Based on the results of this EA, which is set forth in Section II in this document, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the proposed amendment and is issuing a FONSI, which is set forth in Section III in this document.

## II. Environmental Assessment

### *Description of the Proposed Action*

The proposed action would amend Construction Permit No. CPMIF–001 to authorize SHINE to receive and possess the radioactive materials of natural uranium, depleted uranium, and americium-241/beryllium (AmBe), which are necessary for the continued construction of the SHINE facility in Rock County, Wisconsin. The proposed action is requested in the licensee's application dated April 29, 2021, as supplemented by letter dated August 20, 2021.

### *Need for the Proposed Action*

The radioactive materials described in the licensee's application are byproduct and source materials required for the continued construction of the SHINE facility and would be installed within the facility's tritium purification system and subcritical assembly systems. The licensee's request to receive and possess these byproduct and source materials is in accordance with applicable provisions in 10 CFR part 30, ''Rules of General Applicability to Domestic Licensing of Byproduct Material,'' and 10 CFR part 40, ''Domestic Licensing of Source Material,'' respectively. Specifically, SHINE requested to receive and possess the source material of natural uranium in the form of neutron multipliers; the source material of depleted uranium in the form of tritium storage beds; and the byproduct material of AmBe sealed neutron sources. The natural uranium would be contained within neutron multipliers, as described in Subsection 4a2.2.6 of the SHINE Final Safety Analysis Report (FSAR), for installation within the subcritical assembly systems. The depleted uranium would be contained within tritium storage beds, as described in Subsection 9a2.7.1 of the SHINE FSAR, for installation within the tritium purification system. The AmBe sealed neutron sources would be used as subcritical multiplication sources, as described in Subsection 4a2.2.4 of the SHINE FSAR, for installation within the subcritical assembly systems.

The NRC regulations in 10 CFR part 30 and 10 CFR part 40 contain requirements for the receipt, possession, use, and transfer of byproduct material and source material, respectively.

### *Environmental Impacts of the Proposed Action*

The NRC has completed its environmental review of the proposed action and concludes that there are no significant environmental impacts associated with the proposed action.

As an initial matter, the proposed action would amend the SHINE construction permit to authorize the receipt and possession of byproduct and source materials necessary for continued construction of the SHINE facility in accordance with applicable provisions in 10 CFR parts 30 and 40, which ensure the safety of such receipt and possession. Thus, before the NRC could approve the proposed action, it would have to conclude that the applicable provision in 10 CFR parts 30 and 40 are satisfied.

Additionally, the NRC previously evaluated the environmental impacts associated with constructing, operating, and decommissioning the SHINE facility in NUREG–2183, ''Environmental Impact Statement for the Construction Permit for the SHINE Medical Radioisotope Production Facility,'' dated October 2015. The licensee is also required to comply with occupational dose limits (10 CFR part

20, subpart C) and radiation dose limits for individual members of the public (10 CFR part 20, subpart D) at all times.

As provided in the application, the proposed amendment authorizing the receipt and possession of the requested byproduct and source materials would not change the types or amounts of radioactive materials in effluents, wastes, and products of the SHINE facility, nor would it increase the probability of accidents. The requested materials would be received and securely stored in an access-controlled area prior to installation into the tritium purification system and the subcritical assembly systems. SHINE would inspect, inventory, and place the requested materials into secure storage in accordance with the requirements of 10 CFR 20.1902, ''Posting requirements.'' Shielding would be used as appropriate to minimize radiation exposure of personnel while the requested materials are in storage in accordance with 10 CFR 20.1201, ''Occupational dose limits for adults.'' The requested materials would be in the form of sealed sources or solids contained within enclosed components that do not present contamination or accidental release hazards. Finally, the application provided that the receipt and possession of the requested materials would not result in the generation of radiological waste.

Additionally, the application provided that there would be no new or substantially different radiological hazards resulting from the receipt and possession of the requested byproduct and source materials as compared to the construction-related radiological hazards discussed in Section 4.8.1.1, ''Radiological,'' of NUREG–2183. In NUREG–2183, the NRC staff determined that SHINE has adequate controls in place to ensure that the dose to workers and the public from radioactive materials is within the dose limits of 10 CFR part 20, including a radiation safety program.

The transportation of the requested byproduct and source materials would be required to adhere to the applicable regulatory packaging and transportation requirements in NRC regulations (10 CFR parts 20, 40, and 71), the State of Wisconsin Administrative Code Chapter 326, ''Transportation,'' and Department of Transportation requirements (49 CFR parts 172 and 173).

Based on the above, the NRC staff concludes that the proposed action would not have significant radiological human health impacts.

Nonradiological impacts to human health of the construction, operation, and decommissioning of the SHINE facility were previously assessed in Section 4.8.1.2 of NUREG–2183. The application provided that the proposed amendment would not result in any new or substantially different nonradiological hazards resulting from the receipt and possession of the requested byproduct and source materials; therefore, the NRC staff concludes that nonradiological impacts during construction would remain small.

The proposed action would result in no additional direct impacts on land use or water resources, including terrestrial and aquatic biota, because the proposed action involves no new construction or modification of SHINE facility operational systems previously assessed in NUREG–2183. For this same reason, there would be no changes to the types or quantity of nonradiological effluents previously assessed in NUREG–2183 and, therefore, no changes to the facility's Wisconsin Pollutant Discharge Elimination System permit are needed. Similarly, there would be no changes in ambient air quality, no noticeable effect on socioeconomic conditions in the region, no environmental justice impacts, and no impacts to historic and cultural resources. Therefore, the NRC staff concludes that there would be no significant nonradiological impacts associated with the proposed action.

*Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in the licensee being unable to complete construction and begin operation of the SHINE facility. However, because the direct impacts on land use and water resources from construction have largely already occurred and because the remaining construction, operating, and decommissioning impacts would generally be small as evaluated in NUREG–2183, the environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

*Agencies and Persons Consulted*

No additional agencies or persons were consulted regarding the environmental impact of the proposed action. On November 15, 2021, the NRC notified the Wisconsin Department of Health Services of the EA and FONSI. The state provided no comments. The NRC staff determined that the proposed action would have no effect on Federally listed threatened or endangered species or critical habitat that could occur on or near the SHINE facility site and would have no effect on any historic properties. Therefore, consultation was not required under Section 7 of the Endangered Species Act of 1973, as amended, or under Section 106 of the National Historic Preservation Act of 1966, as amended.

## III. Finding of No Significant Impact

The proposed action is the issuance of an amendment to SHINE Construction Permit No. CPMIF–001 to authorize SHINE to receive and possess certain source and byproduct materials necessary for the continued construction of the SHINE facility in Rock County, Wisconsin.

Consistent with 10 CFR 51.21, the NRC prepared an EA to determine the impacts of the proposed action. On the basis of the EA included in Section II in this document and incorporated by reference in this finding, the NRC concludes that the proposed action would not have a significant adverse effect on the probability of an accident occurring and would not have any significant radiological or nonradiological impacts. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Other than the application dated April 29, 2021, as supplemented by letter dated August 20, 2021, the related environmental document is NUREG–2183. NUREG–2183 provides the latest environmental review of the construction, operation, and decommissioning of the SHINE facility and description of the environmental conditions at the SHINE facility.

This EA and FONSI and other related documents are accessible online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

## IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

| Document | ADAMS accession No. |
|---|---|
| NUREG–2183, Environmental Impact Statement for the Construction Permit for the SHINE Medical Radioisotope Production Facility, dated October, 2015. | ML15288A046. |
| Construction Permit No. CPMIF–001 for the SHINE Medical Isotope Production Facility, dated February 29, 2016 | ML16041A473. |
| SHINE Medical Technologies, LLC's Revisions to Final Safety Analysis Report, Chapter 4, Irradiation Unit and Radioisotope Production Facility Description, Rev. 1, dated March 23, 2021. | ML21095A226. |
| SHINE Medical Technologies, LLC's Revisions to Final Safety Analysis Report, Chapter 9, Auxiliary Systems, Rev. 0, dated March 23, 2021. | ML21095A225. |
| SHINE Medical Technologies, LLC, Request to Amend Construction Permit No. CPMIF–001, dated April 29, 2021 | ML21119A165 (Package). |
| SHINE Medical Technologies, LLC, Request to Amend Construction Permit No. CPMIF–001 Response to Request for Additional Information, dated August 20, 2021. | ML21242A028 (Package). |

Dated: November 23, 2021.

For the Nuclear Regulatory Commission.

**Joshua M. Borromeo,**

*Chief, Non-Power Production and Utilization Facility Licensing Branch, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–25911 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2021–0001]**

### Sunshine Act Meetings

**TIME AND DATE:** Weeks of November 29, December 6, 13, 20, 27, 2021, January 3, 2022.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public.

**MATTERS TO BE CONSIDERED:**

**Week of November 29, 2021**

There are no meetings scheduled for the week of November 29, 2021.

**Week of December 6, 2021—Tentative**

*Tuesday, December 7, 2021*

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting) (Contact: Larniece McKoy Moore: 301–415–1942)

*Additional Information:* The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*. For those who would like to attend in person, note that all visitors are required to complete the NRC Self-Health Assessment and Certification of Vaccination forms. Visitors who certify that they are not fully vaccinated or decline to complete the certification must have proof of a negative Food and Drug Administration-approved polymerase chain reaction (PCR) or Antigen (including rapid tests) COVID–19 test specimen collection from no later than the previous 3 days prior to entry to an NRC facility. The forms and additional information can be found here *https://www.nrc.gov/about-nrc/covid-19/guidance-for-visitors-to-nrc-facilities.pdf.*

*Thursday, December 9, 2021*

9:00 a.m. Briefing on 10 CFR part 53 Licensing and Regulations of Advanced Nuclear Reactors (Public Meeting) (Contact: Donna Williams: 301–415–1322)

*Additional Information:* The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*. For those who would like to attend in person, note that all visitors are required to complete the NRC Self-Health Assessment and Certification of Vaccination forms. Visitors who certify that they are not fully vaccinated or decline to complete the certification must have proof of a negative Food and Drug Administration-approved PCR or Antigen (including rapid tests) COVID–19 test specimen collection from no later than the previous 3 days prior to entry to an NRC facility. The forms and additional information can be found here *https://www.nrc.gov/about-nrc/covid-19/guidance-for-visitors-to-nrc-facilities.pdf.*

**Week of December 13, 2021—Tentative**

There are no meetings scheduled for the week of December 13, 2021.

**Week of December 20, 2021—Tentative**

There are no meetings scheduled for the week of December 20, 2021.

**Week of December 27, 2021—Tentative**

There are no meetings scheduled for the week of December 27, 2021.

**Week of January 3, 2022—Tentative**

There are no meetings scheduled for the week of January 3, 2022.

**CONTACT PERSON FOR MORE INFORMATION:** For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov*. The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov* or *Betty.Thweatt@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: November 24, 2021.

For the Nuclear Regulatory Commission.

**Wesley W. Held,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2021–26015 Filed 11–24–21; 11:15 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 52–025 and 52–026; NRC–2008–0252]**

### Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant Units 3 and 4

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC, the Commission) is issuing an exemption from the Commission's regulations that require a written examination and operating test to be requested and administered to 72 licensed operator candidates at Vogtle Electric Generating Plant (VEGP) Unit 4 in response to Southern Nuclear Operating Company, Inc.'s (SNC) request dated July 8, 2021, as supplemented by letter dated October 1, 2021. The NRC is effectively giving these 72 candidates credit for the written examination and operating test that they already took and passed at VEGP Unit 3.

**DATES:** The exemption was issued on November 22, 2021.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0252 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–2008–0252. 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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the exemption was submitted by letter dated July 8, 2021 and is available in ADAMS under Package Accession No. ML21189A153. The request was supplemented by letter dated October 1, 2021 (ADAMS Package Accession No. ML21281A214).
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *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:** Cayetano Santos Jr., Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7270; email: *Cayetano.Santos@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

SNC, Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia are the holders of facility Combined License (COL) Nos. NFP–91 and NPF–92, which authorize the construction and operation of VEGP Units 3 and 4. The facilities consist of two Westinghouse Electric Company (Westinghouse) AP1000 pressurized-water reactors (PWRs) located in Burke County, Georgia. The licenses are subject to the rules, regulations, and orders of the NRC.

Appendix D, ''Design Certification Rule for the AP1000 Design,'' to title 10 of the *Code of Federal Regulations* (10 CFR) part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' constitutes the standard design certification for the Westinghouse AP1000 design, in accordance with 10 CFR part 52, subpart B, ''Standard Design Certifications.'' ''Standard design'' is defined in 10 CFR 52.1, ''Definitions,'' as ''a design which is sufficiently detailed and complete to support certification or approval in accordance with subpart B or E of [10 CFR part 52], and which is usable for a multiple number of units or at a multiple number of sites without reopening or repeating the review.''

## II. Request/Action

Pursuant to 10 CFR 55.11, ''Specific exemptions,'' by letter dated July 8, 2021 (ADAMS Package Accession No. ML21189A153), as supplemented by letter dated October 1, 2021 (ADAMS Package Accession No. ML21281A214), SNC requested an exemption from the requirements in 10 CFR 55.31, ''How to apply,'' paragraph (a)(3) and 10 CFR 55.33(a)(2), ''Written examination and operating test,'' on behalf of 72 operators who are licensed to operate VEGP Unit 3 and are requesting a license on VEGP Unit 4. Enclosure 1 of the July 8, 2021, letter contains SNC's justification for the requested exemption. Enclosure 2 of the July 8, 2021, letter identifies the subject operators by name and docket number. Enclosure 3 of the July 8, 2021 letter includes a sample of NRC Form 398, ''Personnel Qualification Statement—Licensee.'' The NRC's granting of the requested exemption is based on Enclosure 1 of the July 8, 2021, letter, as supplemented by the enclosure of the October 1, 2021, letter. Enclosure 2 of the July 8, 2021, letter is superseded by the enclosure of the October 1, 2021, letter. The NRC staff did not review Enclosure 3 of the July 8, 2021, letter. The exemption is valid only for the 72 licensed operator candidates identified in the enclosure of the October 1, 2021, letter.

10 CFR 55.31(a)(3) requires each applicant for an operator's license to submit a written request that the written examination and operating test be administered to the applicant. This written request must come from an authorized representative of the facility licensee by which the applicant will be employed. 10 CFR 55.33(a)(2) states, in part, that the Commission will approve an initial application for a license if it finds that the applicant has passed the requisite written examination and operating test in accordance with 10 CFR 55.41 and 55.45 or 55.43 and 55.45. The written examinations and operating tests determine whether an applicant for an operator's license has learned to operate a facility competently and safely, and additionally, in the case of a senior operator, whether the applicant has learned to direct the licensed activities of licensed operators competently and safely. Written examinations administered to operator candidates must contain a representative sample from among the topics listed in 10 CFR 55.41(b)(1)–(14), and additionally, written examinations administered to senior operator candidates must contain a representative sample from among the topics listed in 10 CFR 55.43(b)(1)–(7). Operating tests must contain a representative sample from among the topics listed in 10 CFR 55.45(a)(1)–(13).

Additionally, 10 CFR 55.40(a) requires the Commission to use the criteria in NUREG–1021, ''Operator Licensing Examination Standards for Power Reactors'' (ADAMS Accession No. ML17038A432), in effect 6 months before the examination date to prepare the written examinations required by 10 CFR 55.41 and 55.43 and the operating tests required by 10 CFR 55.45 and to evaluate the written examinations and operating tests prepared by power reactor facility licensees. Preparing the written examinations and operating tests using the appropriate knowledge and abilities catalog, in conjunction with NUREG–1021, ensures that the

written examinations and operating tests include a representative sample of the items specified in 10 CFR 55.41, 55.43, and 55.45.

NUREG–2103, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Westinghouse AP1000 Pressurized Water Reactors'' (ADAMS Accession No. ML20357A103), was developed specifically for Westinghouse AP1000 PWRs. NUREG–1021, Appendix A, ''Overview of Generic Examination Concepts,'' explains that the knowledge and abilities catalogs provide the basis for the development of content-valid examinations for reactor operators (ROs) and senior reactor operators (SROs), consistent with the applicable testing industry standards. NUREG–1021, Appendix A further explains the concept of content-validity and states, in part, that ''[i]n the case of the NRC examinations, the intent is to measure the examinee's knowledge and ability (K/A) such that those who pass will be able to perform the duties of [an RO or an SRO] to ensure the safe operation of the plant.''

In accordance with the guidance in NUREG–1021, Section ES–401N, ''Preparing Initial Site-Specific Written Examinations,'' a sample plan needs to be prepared for each written examination. Section ES–401N states, in part, that this involves ''[s]ystematically and randomly select[ing] specific K/A statements (*e.g.,* K1.03 or A2.11) from NUREG–2103 (for AP–1000) . . . to complete each of the three tiers (*i.e.,* Tier 1, 'Emergency and Abnormal Plant Evolutions'; Tier 2, 'Plant Systems'; and Tier 3, 'Generic Knowledge and Abilities') of the applicable examination outline.'' For the AP1000, NUREG–1021, Form ES–401N–2, ''AP1000 Examination Outline,'' is the applicable examination outline. Once the written examination outline is complete, written examination questions can be developed from the K/A statements selected for the examination as documented on the examination outline. The K/A catalog is also used to select topics for the operating test, which consists of an individual walkthrough portion and a simulator test portion.

## III. Discussion

Pursuant to 10 CFR 55.11, the Commission may, upon application by an interested person, or upon its own initiative, grant exemptions from the requirements of 10 CFR part 55, ''Operators' Licenses,'' as it determines (1) are authorized by law, (2) will not endanger life or property, and (3) are otherwise in the public interest.

### *A. The Exemption Is Authorized by Law*

Exemptions are authorized by law where they are not expressly prohibited by statute or regulation. A proposed exemption is implicitly authorized by law if it will not endanger life or property and is otherwise in the public interest and no other provisions in law prohibit, or otherwise restrict, its application. The NRC has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Accordingly, the NRC finds that the exemption is authorized by law.

### *B. The Exemption Will Not Endanger Life or Property*

Pursuant to 10 CFR 55.33(a)(2), the Commission will approve an initial application for a license if it finds, in part, that the applicant has passed the requisite written examination and operating test in accordance with 10 CFR 55.41 and 55.45 or 55.43 and 55.45. These examinations and tests determine whether the applicant for an operator's license has learned to operate a facility competently and safely, and additionally, in the case of a senior operator, whether the applicant has learned to direct the licensed activities of licensed operators competently and safely. Competent and safe operators protect against endangerment of life or property. Accordingly, where examinations and tests adequately determine who is competent, those examinations and tests are protective of and do not endanger life or property.

The 72 licensed operator candidates identified in the enclosure of the letter dated October 1, 2021, already took and passed an NRC written examination and an operating test for VEGP Unit 3, which were prepared and evaluated using the criteria in NUREG–1021 and the K/As in NUREG–2103. An NRC examination for VEGP Unit 4 would also use the criteria in NUREG–1021 and the K/As in NUREG–2103 to define its scope, format, and content. Specific test items, such as the individual written examination questions, would therefore be applicable to both VEGP Units 3 and 4, unless there were differences between the two units that could alter the content of a particular test item or job performance measure (JPM).

As discussed in Enclosure 1, Section 2.0, of the letter dated July 8, 2021, SNC conducted an analysis to identify and evaluate the differences between VEGP Units 3 and 4 and to determine whether they would impact how operators perform tasks at each unit. SNC concluded that there were a few minor differences identified to date in the Waste Water and Offsite Power Systems. The differences between VEGP Units 3 and 4 related to the Waste Water Systems consisted of naming and indication differences only, and SNC stated that these differences do not impact how operators perform tasks. The difference between VEGP Units 3 and 4 related to the Offsite Power Systems is a physical difference, in that VEGP Unit 3 is connected to a 230 kilovolt (kV) switchyard and VEGP Unit 4 is connected to a 500 kV switchyard. Although the voltages of the switchyards are different between VEGP Units 3 and 4, SNC's analysis concluded that all components manipulated by operators are mechanically identical and are operated identically despite having different labels and designators. As a result, the identified differences in the Offsite Power Systems have no operational impact in performing Abnormal or Emergency Operating Procedures. SNC also conducted a Training Needs Analysis, and this analysis concluded that the differences between VEGP Units 3 and 4 require no additional training and that no new/modified examination questions, scenarios, or JPMs are needed. Therefore, the NRC written examination and operating test for VEGP Unit 3 already taken and passed by the 72 licensed operator candidates was of the same structure, scope, and format as the NRC written examination and operating test that they would have to take for VEGP Unit 4, and it also tested topics that are relevant to the operation of both VEGP Units 3 and 4.

In Enclosure 1, Section 4.0, of the letter dated July 8, 2021, SNC states, in part, that the VEGP Units 3 and 4 ''continuing training program is based on the requirements defined in 10 CFR part 55.59 and is accredited through the National Academy for Nuclear Training.'' In addition, the training program uses a systematic approach to training process to assess whether differences impact operators' performance of tasks on each unit and also the extent to which the training program needs to be adjusted to ensure that operators are adequately trained to perform those tasks at both units.

Based on the above, the NRC determined that the 72 licensed operator candidates' knowledge and abilities associated with the operation of VEGP Unit 4 have already been assessed by the NRC written examination and operating test given for VEGP Unit 3, and that by passing that examination and test, these individuals have demonstrated that they are also

competent to safely operate VEGP Unit 4. Accordingly, the NRC finds that the exemption will not endanger life or property.

*C. The Exemption Is Otherwise in the Public Interest*

The Commission's values guide the NRC in maintaining certain principles of good regulation as it carries out regulatory activities in furtherance of its safety and security mission. These principles focus the NRC on ensuring safety and security while appropriately considering the interests of the NRC's stakeholders, including the public and licensees. These principles are Independence, Openness, Efficiency, Clarity, and Reliability. Independence relates to NRC decisions being based on objective, unbiased assessments of all information. Openness relates to the NRC conducting its regulatory activities publicly and candidly. Efficiency relates to the NRC ensuring that its regulatory activities are consistent with the degree of risk reduction they achieve; adopting the option, where several effective alternatives are available, that minimizes the use of resources; and making regulatory decisions without delay. Clarity relates to NRC positions being readily understood and easily applied. Reliability relates to established regulations being perceived to be reliable and not unjustifiably in a state of transition. The NRC's principles of good regulation can also provide guidance as to whether the granting of a particular exemption is otherwise in the public interest.

On balance, the NRC's principles of good regulation demonstrate that the granting of the requested exemption is otherwise in the public interest. First, as clearly, openly, and independently determined above, the 72 licensed operator candidates identified in the enclosure of the October 1, 2021, letter each passed a written examination and operating test for VEGP Unit 3 that also covered all content that is applicable to VEGP Unit 4.

Second, concerning the principle of efficiency, in Enclosure 1, Section 5.3, of the July 8, 2021, letter, SNC explained that if the exemption is granted, then training resources will be available to meet other site training needs and to ensure that trained operations personnel are available to support ongoing activities at VEGP Unit 3 including testing and fuel load. The NRC staff will also not have to devote resources to preparing and validating additional written examinations and operating tests for these 72 licensed operator candidates. Additionally, these operators will be able to remain in the continuing training program for VEGP Units 3 and 4, which will help to ensure that they maintain proficiency in topics included in the initial training program and that they also receive training on any changes made to the plant design or procedures prior to fuel load and plant operation. For these reasons, the NRC finds that granting the exemption is an effective and efficient alternative to requiring the 72 licensed operator candidates to take another written examination and operating test to be licensed on VEGP Unit 4.

Finally, concerning the principle of reliability, the NRC has already found that the 72 licensed operator candidates have the necessary knowledge and abilities to operate VEGP Unit 3 safely and competently. As discussed above, by granting the requested exemption, the substantive requirements upon the licensed operator candidates are unchanged. Furthermore, the public has an interest in reliability in terms of the stability of the nuclear regulatory planning process. If granted, this exemption aids planning by the NRC and the industry by allowing the 72 license operator candidates to complete their applications sooner, with the underlying requirements essentially unchanged, and could result in licensing decisions being made earlier than would be possible if the candidates had to wait to also take a written examination and operating test for VEGP Unit 4.

Based on the above, the NRC finds that the exemption is otherwise in the public interest.

*D. Environmental Considerations*

The NRC has determined that granting this exemption from the requirements of 10 CFR 55.31(a)(3) and 10 CFR 55.33(a)(2) involves (i) no significant hazards consideration, (ii) no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (iii) no significant increase in individual or cumulative public or occupational radiation exposure, (iv) no significant construction impact, and (v) no significant increase in the potential for or consequences from radiological accidents.

The granting of this exemption involves no significant hazards consideration because:

- The exemption does not alter the design, function, or operation of any plant equipment; therefore, granting the exemption would not increase the probability or consequences of an accident previously evaluated.
- The exemption does not create any new accident initiators; therefore, granting the exemption would not create the possibility of a new or different kind of accident from any accident previously evaluated.
- The exemption does not exceed or alter a design basis or safety limit; therefore, granting the exemption would not involve a significant reduction in a margin of safety.

There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the facility licensee's technical specifications or the regulations in 10 CFR part 20, ''Standards for Protection Against Radiation.'' There is no significant increase in individual or cumulative public or occupational radiation exposure because the exemption does not affect the limits provided in 10 CFR part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because the exemption does not involve any construction activities or changes to a construction permit. There is no significant increase in the potential for or consequences from radiological accidents because the exemption does not alter any of the assumptions or limits in the facility licensee's safety analysis.

The NRC determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. Accordingly, the exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with granting the requested exemption.

**IV. Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 55.11, the exemption is authorized by law, will not endanger life or property, and is otherwise in the public interest. Therefore, effective immediately, the Commission hereby grants the request to exempt the 72 licensed operator candidates listed in the enclosure of letter dated October 1, 2021, from the 10 CFR 55.31(a)(3) and 10 CFR 55.33(a)(2) requirements that a written examination and operating test be requested and administered to them for VEGP Unit 4, effectively giving these candidates credit for the written examination and

operating test that they already took and passed for VEGP Unit 3.

Dated: November 22, 2021.

For the Nuclear Regulatory Commission.

**Gregory T. Bowman,**

*Director, Vogtle Project Office, Office of Nuclear Reactor Regulation.*

[FR Doc. 2021–25876 Filed 11–26–21; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2022–22 and CP2022–24; MC2022–23 and CP2022–25]**

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 1, 2021.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents



### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

### II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–22 and CP2022–24; *Filing Title:* USPS Request to Add Priority Mail Contract 729 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 22, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca D. Upperman; *Comments Due:* December 1, 2021.

2. *Docket No(s).:* MC2022–23 and CP2022–25; *Filing Title:* USPS Request to Add Priority Mail Contract 730 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 22, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin Clendenin; *Comments Due:* December 1, 2021.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2021–25943 Filed 11–26–21; 8:45 am]

**BILLING CODE 7710–FW–P**

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–251, OMB Control No. 3235–0256]**

### Submission for OMB Review; Comment Request, Extension: Form F–3

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form F–3 (17 CFR 239.33) is used by foreign issuers to register securities pursuant to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. Form F–3 takes approximately 157.84 hours per response and is filed by approximately 113 respondents. We estimate that 25% of the 157.84 hours per response (39.46 hours) is prepared by the registrant for a total annual reporting burden of 4,459 hours (39.46 hours per response × 113 responses).

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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: November 23, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25914 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 2:00 p.m. on Thursday, December 2, 2021.

**PLACE:** The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

**CONTACT PERSON FOR MORE INFORMATION:** For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

*Authority:* 5 U.S.C. 552b.

Dated: November 24, 2021.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2021–26047 Filed 11–24–21; 4:15 pm]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93640; File Nos. SR–MIAX–2021–43, SR–EMERALD–2021–31]**

### Self-Regulatory Organizations; Miami International Securities Exchange, LLC, MIAX Emerald, LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes To Amend Fee Schedules To Adopt Tiered-Pricing Structures for Additional Limited Service MIAX and MIAX Emerald Express Interface Ports

November 22, 2021.

## I. Introduction

On September 28, 2021, Miami International Securities Exchange, LLC (''MIAX'') and MIAX Emerald, LLC (''MIAX Emerald'') (each an ''Exchange''; collectively, the ''Exchanges'') each filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a tiered-pricing structure for additional limited service express interface ports. Each proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule changes were published for comment in the **Federal Register** on October 5, 2021.[4] Pursuant to Section 19(b)(3)(C) of the Act,[5] the Commission is hereby: (1) Temporarily suspending File Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31; and (2) instituting proceedings to determine whether to approve or disapprove File Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31.

## II. Description of the Proposed Rule Changes

Limited Service MIAX Express Interface Ports and Limited Service MIAX Emerald Express Interface Ports (collectively, ''Limited Service MEI Ports'') provide Market Makers[6] with the ability to send eQuotes and quote purge messages, and are also capable of receiving administrative information.[7] Currently, each Exchange allocates two Limited Service MEI Ports, free of charge, per matching engine to which a Market Maker connects. Market Makers may request additional Limited Service MEI Ports for each matching engine to which they connect for an additional monthly fee for each such additional port. Prior to the proposed rule changes, each Exchange charged a flat $100 monthly fee for each such additional port. Each Exchange has proposed to adopt a tiered-pricing structure.[8] For both MIAX and MIAX Emerald, the first and second Limited Service MEI Ports for each matching engine would remain free of charge. For MIAX, the additional Limited Service MEI Port fees for each matching engine would increase from $100 to: (i) $150 for the third and fourth Limited Service MEI Ports; (ii) $200 for the fifth and sixth Limited Service MEI Ports; and (iii) $250 for the seventh or more Limited Service MEI Ports.[9] For MIAX Emerald, the additional Limited Service MEI Port fees for each matching engine would increase from $100 to: (i) $200 for the third and fourth Limited Service MEI Ports; (ii) $300 for the fifth and sixth Limited Service MEI Ports; and (iii) $400 for the seventh to fourteenth Limited Service MEI Ports.[10]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as ''establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.'' 15 U.S.C. 78s(b)(3)(A)(ii).

[4] *See* Securities Exchange Act Release Nos. 93185 (September 29, 2021), 86 FR 55093 (October 5, 2021) (SR–MIAX–2021–43) (''MIAX Notice''); 93188 (September 29, 2021), 86 FR 55052 (October 5, 2021) (SR–EMERALD–2021–31) (''MIAX Emerald Notice''). For ease of reference, citations to statements generally applicable to both notices are to the MIAX Notice. Comments received on the proposed rule changes are available on the Commission's website at: *https://www.sec.gov/comments/sr-miax-2021-43/srmiax202143.htm* (SR–MIAX–2021–43); *https://www.sec.gov/comments/sr-emerald-2021-31/sremerald202131.htm* (SR–EMERALD–2021–31).

[5] 15 U.S.C. 78s(b)(3)(C).

[6] Defined at MIAX Rule 100 and MIAX Emerald Rule 100.

[7] *See, e.g.,* MIAX Notice, *supra* note 4, at 55093 n.10.

[8] The Exchanges initially filed the proposed fee changes on August 2, 2021. *See* Securities Exchange Act Release Nos. 92661 (August 13, 2021), 86 FR 46737 (August 19, 2021) (SR–MIAX–2021–37), 92662 (August 13, 2021), 86 FR 46726 (August 19, 2021) (SR–EMERALD–2021–25). These filings were withdrawn and replaced with the instant filings, with additional information. *See also* Securities Exchange Act Release No. 91857 (May 12, 2021), 86 FR 26973 (May 18, 2021) (MIAX–2021–19) (allowing purchase of any number of additional Limited Service MEI Ports and stating that, at a continued monthly fee of $100 for each additional port, the Exchange anticipates generating an annual loss from the provision).

[9] *See* MIAX Notice, *supra* note 4, at 55094.

[10] *See* MIAX Emerald Notice, *supra* note 4, at 55053. The MIAX Emerald Fee Schedule states that

Continued

## III. Suspension of the Proposed Rule Changes

Pursuant to Section 19(b)(3)(C) of the Act,[11] at any time within 60 days of the date of filing of an immediately effective proposed rule change pursuant to Section 19(b)(1) of the Act,[12] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. As described below, the Commission believes a temporary suspension of the proposed rule changes is necessary and appropriate to allow for additional analysis of the proposed rule changes' consistency with the Act and the rules thereunder.

In support of the proposed tiered-pricing structure and associated fee increases, the Exchanges argue that they operate in a highly competitive market[13] and their ability to price access and ports is constrained by competition among exchanges and third parties.[14] MIAX states that it has a market share of only 5.8%, and MIAX Emerald states that it has a market share of only 4.99%, of the U.S. equity options industry as of September 2021.[15] The Exchanges also state that there are 15 other U.S options exchanges which they must consider in their pricing discipline in order to compete for market participants.[16] As evidence for their arguments, the Exchanges provide port fees for competing exchanges which, according to the Exchanges, demonstrate that the proposed tiered-pricing structure and proposed fees for additional Limited Service MEI Ports are less than or similar to fees charged by competing options exchanges for similar access on those exchanges.[17]

In further support of their arguments that competitive forces constrain the proposed tiered-pricing structure and the associated fee increases, the Exchanges state that the use of such additional Limited Service MEI Ports is entirely voluntary; [18] and that there is no regulatory requirement that any market participant access any one options exchange, use more than the two free Limited Service MEI Ports that the Exchanges provide per matching engine, access the Exchanges in a particular capacity, or trade any particular product offered on the Exchanges.[19] Each Exchange further states that no options market participant is required by rule, regulation, or competitive forces to be a Member of its Exchange; [20] and that it is not aware of any reason why market participants could not simply drop their access (or not initially access an exchange) if an exchange were to establish non-transaction fees that did not make business or economic sense for such market participants.[21] The Exchanges believe this is illustrated by the fact that market participants can and do drop their access to exchanges based on non-transaction fee pricing [22] and that they are unaware of any one options exchange whose membership includes every registered broker-dealer.[23]

The Exchanges also state that the proposed fee increases for additional Limited Service MEI Ports (which they reference as ''Proposed Access Fees'') are intended to recover the Exchanges' costs of providing access to their systems [24] and are a reasonable attempt to offset a portion of the costs associated with providing access to their network infrastructure.[25] The Exchanges provide an analysis of their revenues, costs, and profitability associated with the Proposed Access Fees. The Exchanges state that this analysis reflects an extensive cost review in which the Exchanges analyzed nearly every expense item in the Exchanges' general expense ledgers to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services associated with the Proposed Access Fees.[26]

For 2021, the total annual expense for providing the access services associated with the Proposed Access Fees is projected by the Exchanges to be approximately $1.32 million for MIAX and $0.88 million for MIAX Emerald.[27] As described in more detail in the MIAX Notice and MIAX Emerald Notice, the total annual expense for each Exchange is comprised of the following, all of which the Exchanges state are directly related to the access services associated with the Proposed Access Fees: [28]

- Third-party expense, relating to fees paid by the Exchanges to third-parties for certain products and services. This included allocating a portion of fees paid to: (1) Equinix for data center services; (2) Zayo Group Holdings, Inc. for network services; (3) Secure Financial Transaction Infrastructure, which supports connectivity and feeds; (4) various other service providers for content, connectivity, and infrastructure services; and (5) various other hardware and software providers; and
- internal expense, relating to the internal costs of the Exchanges to provide the access services associated with the Proposed Access Fees. This included allocating a portion of the Exchanges': (1) Employee compensation and benefits expenses for full-time employees that support the access services associated with the Proposed Access Fees; (2) depreciation and amortization of hardware and software used to provide the access services associated with the Proposed Access Fees; and (3) occupancy expenses for leased office space for staff that provide the access services associated with the Proposed Access Fees.

The Exchanges state that their cost and revenue analyses show that the Proposed Access Fees will not result in excessive pricing or supra-competitive profits.[29] According to the Exchanges, on a fully-annualized basis, the revenue the Exchanges project to collect from the Proposed Access Fees [30] would be approximately $3.21 million per year for MIAX and $2.07 million per year for MIAX Emerald.[31] This results in a projected profit margin of approximately 59% for MIAX ($3.21 million in projected revenue minus $1.32 million in projected expense = $1.89 million profit per year) and

Market Makers are limited to twelve additional Limited Service MEI Ports per matching engine, for a total of fourteen per matching engine. *See* MIAX Emerald Fee Schedule 5.d.ii.

[11] 15 U.S.C. 78s(b)(3)(C).

[12] 15 U.S.C. 78s(b)(1).

[13] *See, e.g.,* MIAX Notice, *supra* note 4, at 55094.

[14] *See, e.g., id.* at 55101.

[15] *See* MIAX Notice, *supra* note 4, at 55095; MIAX Emerald Notice, *supra* note 4, at 55054–55.

[16] *See, e.g.,* MIAX Notice, *supra* note 4, at 55101.

[17] *See, e.g., id.* at 55095.

[18] *See, e.g., id.* at 55101.

[19] *See, e.g., id.* at 55100.

[20] *See, e.g., id.* at 55096.

[21] *See, e.g., id.*

[22] *See, e.g., id.*

[23] *See, e.g., id.* at 55100–101.

[24] *See, e.g., id.* at 55099.

[25] *See, e.g., id.* at 55096.

[26] *See, e.g., id.* Each Exchange also states that no expense amount is allocated twice; and the expenses in each Exchange's analysis only cover its own options market, not those of any affiliate. *See, e.g., id.* at 55097.

[27] *See* MIAX Notice, *supra* note 4, at 55096; MIAX Emerald Notice, *supra* note 4, at 55056.

[28] *See, e.g.,* MIAX Notice, *supra* note 4, at 55096–99. The Exchanges clarify that the projected total annual expense includes costs related to *all* Limited Service MEI Ports, including the two Limited Service MEI Ports that Market Makers receive for free. *See, e.g., id.* at 55099.

[29] *See, e.g., id.* at 55099.

[30] The revenue numbers include the revenues the Exchanges project to collect only from the fees the Exchanges will charge for additional Limited Service MEI Ports *after* the first two Limited Service MEI Ports that Market Makers receive for free. *See, e.g., id.*

[31] *See* MIAX Notice, *supra* note 4, at 55099; MIAX Emerald Notice, *supra* note 4, at 55058.

approximately 58% for MIAX Emerald ($2.07 million in projected revenue minus $0.88 million in projected expense = $1.19 million profit per year).[32] The Exchanges state that, based on the 2020 financial statements filed by competing options exchanges in Form 1 amendments, the Exchanges' revenues that are derived from access fees are in line with the revenue that is derived from access fees of competing exchanges, and the Exchanges' overall operating margins are in line with or less than the operating margins of competing exchanges.[33] MIAX further states that its anticipated operating margin, inclusive of its proposed fee change, would remain lower than or comparable to that of competing exchanges.[34]

The Exchanges further state that the Proposed Access Fees are reasonable, equitably allocated, and not unfairly discriminatory because it benefits overall competition in the marketplace to allow relatively new entrants like the Exchanges and their affiliate, MIAX Pearl, LLC (''MIAX Pearl''), to propose fees that may help them recoup their substantial investment in building out costly infrastructure. The Exchanges state that they and MIAX Pearl have historically set their fees purposefully low in order to attract business and market share. The Exchanges also state that the concept of a tiered-pricing structure for ports is not new or novel.[35]

In addition, the Exchanges state that the move from a flat fee per month to a tiered-pricing structure is reasonable, equitably allocated, and not unfairly discriminatory because the proposed structure would encourage firms to be more efficient and economical in the number of Limited Service MEI Ports they purchase, which the Exchanges believe will enable them to better monitor and provide access to the Exchanges' networks to ensure that the Exchanges meet their obligations under the Act to offer access to the Exchanges on terms that are not unfairly discriminatory, as well as to ensure sufficient capacity and headroom in their systems.[36]

The Exchanges further state that firms that are primarily order routers seeking best-execution do not utilize Limited Service MEI Ports; and that, therefore, the fees described in the proposed tiered-pricing structure will only be allocated to market-making firms that engage in advanced trading strategies and typically request multiple additional Limited Service MEI Ports.[37] The Exchanges further state that such market-making firms generate higher costs by utilizing more of the Exchanges' resources.[38] The Exchanges state that they must build out and continue to maintain networks that have the capacity the handle the message rate requirements of not only firms that consume minimal port resources, but also those firms that most heavily consume port resources, network consumers, and purchasers of numerous Limited Service MEI Ports, which handle billions of messages per day across the Exchanges' networks.[39] The Exchanges believe that, given that purchasers of the greatest amount of Limited Service MEI Ports utilize the most resources across their networks, it is reasonable to operate at profit margins of approximately 59% (for MIAX) and 58% (for MIAX Emerald) for these ports.[40] The Exchanges state that such profit margins should enable the Exchanges to continue to invest in their networks and systems, maintain their current infrastructure, support future enhancements to ports and network connectivity, and continue to offer enhanced customer reporting and monitoring services.[41]

The Commission received two comment letters from one commenter that opposes the proposed rule changes.[42] This commenter states that the Exchanges have not sufficiently demonstrated their proposed fees' consistency with the Act or addressed previous concerns with the proposed fees raised by the same commenter.[43] Specifically, this commenter argues that the Exchanges' filings make the same general claims in support of their assertion that the port fee changes are fair and reasonable, equitably allocated, and not unfairly discriminatory as other filings relating to ''10Gb ULL'' connections,[44] and that the Exchanges' justifications for the Limited Service MEI Ports fail for the same reasons as those offered in the 10Gb ULL filings.[45] The commenter asserts that there are no reasonable substitutes for the Exchanges' 10Gb ULL connectivity lines, particularly for market makers whose business models require them to subscribe to direct connectivity to the Exchanges in the highest proposed pricing tier.[46] The commenter further argues that the fact that no member or non-member has altered its use of 10Gb ULL connectivity since the fee changes went into effect serves as further support of its claim that there are no reasonable alternatives to the service.[47] This commenter also argues that the ability for a member to withdraw from an exchange should not support the reasonableness of any individual proposed fee, as a member would incur significant costs in withdrawing from an exchange in the form of lost infrastructure investments, the cost of withdrawal itself, and other opportunity costs.[48] This commenter further objects that the Exchanges have not provided sufficient quantitative support for their revenues, costs, and profitability under the current and proposed fees to support an analysis that the proposed fees and the Exchanges' profitability are reasonable.[49] Moreover, the commenter argues that the Exchanges' comparison of their projected access fee profit margins to the overall profit margins of competing exchanges is insufficient as it does not appropriately compare the individual components of these other exchange fees to those of the Exchanges.[50] The commenter also suggests that any comparisons made by the Exchanges to the revenues and margins of other exchanges are inapt

[32] *See* MIAX Notice, *supra* note 4, at 55099; MIAX Emerald Notice, *supra* note 4, at 55058.

[33] *See, e.g.,* MIAX Notice, *supra* note 4, at 55100.

[34] *See* MIAX Notice, *supra* note 4, at 55100.

[35] *See, e.g.,* MIAX Notice, *supra* note 4, at 55100.

[36] *See, e.g., id.*

[37] *See, e.g., id.* at 55094.

[38] *See, e.g., id.*

[39] *See, e.g., id.* at 55099.

[40] *See* MIAX Notice, *supra* note 4, at 55099; MIAX Emerald Notice, *supra* note 4, at 55059.

[41] *See* MIAX Notice, *supra* note 4, at 55099; MIAX Emerald Notice, *supra* note 4, at 55059.

[42] *See* letters from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated October 1, 2021 (''First SIG Letter'') and October 26, 2021 (''Second SIG Letter'').

[43] *See* Second SIG Letter, *supra* note 42, at 2. In the First SIG Letter the commenter requested that the Commission suspend the proposals and institute proceedings to determine whether to approve or disapprove the proposals on the basis that the proposals represent the same fee changes previously proposed by the Exchanges for which the commenter expressed concerns. *See also* letter from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated September 7, 2021, *available at https://www.sec.gov/comments/sr-miax-2021-35/srmiax202135-9208444-249989.pdf* (comment letter submitted to File Nos. SR–MIAX–2021–35, SR–MIAX–2021–37, SR–PEARL–2021–33, SR–PEARL–2021–36, SR–EMERALD–2021–23, and SR–EMERALD–2021–25, and expressing similar concerns to those described herein).

[44] *See* Securities Exchange Act Release Nos. 93165 (September 28, 2021), 86 FR 54750 (October 4, 2021) (SR–MIAX–2021–41); 93162 (September 28, 2021), 86 FR 54739 (October 4, 2021) (SR–PEARL–45); and 93166 (September 28, 2021), 86 FR 54760 (October 4, 2021) (SR–EMERALD–29).

[45] *See* Second SIG Letter, *supra* note 42, at 7.

[46] *See id.* at 2–3.

[47] *See id.* at 3.

[48] *See id.*

[49] *See id.* at 4. The commenter further argues that the Exchanges have not sufficiently justified the profit margins they would be accruing with the proposed fees by, for example, explaining specific technological undertakings the Exchanges expect to fund with the revenue from the new fees. *See id.*

[50] *See id.* at 4–5.

because they do not account for the circumstances under which other exchanges established their fees, including, for example, whether the services are equivalent or the costs to provide them are similar.[51] Finally, this commenter claims that the proposed tiers in the new fee structure are unfairly discriminatory because the Exchanges have not provided any cost breakdown to support the claim that the use of multiple connections creates higher costs for the Exchanges.[52] Instead, the commenter argues that market participants who purchase more units of 10Gb ULL connections use more exchange bandwidth simply due to the fact that they have purchased more units, and that this does not justify the proposal to charge a higher rate *per unit,* which the commenter claims is unfairly discriminatory towards market maker subscribers.[53]

Another commenter asks the Commission to disapprove the proposed fee changes because the Exchanges have not met their burden of demonstrating that they are consistent with the standards under the Exchange Act.[54] This commenter states that the Exchanges' argument that competition for order flow constrains pricing for products and services exclusively offered by the Exchange does not demonstrate that the fees are reasonable.[55] This commenter also disagrees with the Exchanges' statement that they must continually adjust the fees for these services as a result of competition from other markets because it does not reflect marketplace reality.[56] This commenter also states that the Exchanges have failed to demonstrate that the proposed fees are equitably allocated and not unfairly discriminatory, with the proposed fee changes ''clearly and directly'' impacting market makers and burden of the fee increases falling predominantly on market makers operating on the Exchanges.[57] The commenter states that the Exchanges offer no concrete support for their arguments that the tiered-pricing structure would encourage firms to be more economical and efficient in the number of connections they purchase, allowing the Exchanges to better monitor and provide access to their networks to ensure that they have sufficient capacity and headroom in their systems.[58] The commenter also states that the Exchanges have provided no public information on how they derived the cost amounts they determined to allocate to the products and services subject to the proposed fee changes nor any meaningful baseline information regarding the Exchanges' overall costs.[59] This commenter believes that the Exchanges have withdrawn and refiled essentially identical proposals,[60] subverting proper consideration of the proposed fee changes under the process set forth in the Exchange Act.[61]

When an exchange files a proposed rule change with the Commission, including fee filings, it is required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[62] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [63]

Section 6 of the Act, including Sections 6(b)(4), (5), and (8), requires, among other things, that the rules of an exchange: (1) Provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [64] (2) be designed to perfect the mechanism of a free and open market and a national market system and to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [65] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[66]

In temporarily suspending the Exchanges' proposed rule changes, the Commission intends to further consider whether the proposed additional Limited Service MEI Port fees are consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule changes satisfy the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; are designed to perfect the mechanism of a free and open market and a national market system and to protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[67]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[68]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Changes

In addition to temporarily suspending the proposal, the Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C) [69] and 19(b)(2)(B) of the Act [70] to determine whether the Exchanges' proposed rule changes should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the

[51] *See id.*

[52] *See id.* at 5.

[53] *See id.* at 6.

[54] *See* letter from Ellen Green, Managing Director, Equity and Options Market Structure, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated November 16, 2021 (''SIFMA Letter'').

[55] *See id.* at 3. This commenter asserts that the proposals are similar to proprietary market data products offered by the Exchanges, which are unique to the Exchanges and market participants cannot obtain anywhere else. *Id.* The commenter also states that for market makers, additional MEI ports are critical for market makers to provide liquidity on the Exchanges and the argument that the additional MEI ports are options ''does not reflect marketplace reality, nor does it demonstrate that the proposed fees are reasonable.'' *Id.* at 4.

[56] *See id.* at 4.

[57] *See id.* at 4–5.

[58] *See id.* at 4. The commenter also states that the Exchanges fail to provide any discussion of why their current capacity needs are constrained under the current pricing structure.

[59] *See id.* at 5. The commenter believes that such information is needed to allow commenters to judge whether the allocations are supportable. *Id.* This commenter also believes that the Exchanges' discussion of profit margins are ''high-level and conclusory,'' and fail to provide sufficient detail to understand whether or not the fees are reasonable. *Id.*

[60] *See supra* note 8.

[61] *See* SIFMA Letter, *supra* note 54, at 5–6.

[62] *See* 17 CFR 240.19b–4 (General Instructions for Form 19b–4—Information to be Included in the Complete Form—Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

[63] *See id.*

[64] 15 U.S.C. 78f(b)(4).

[65] 15 U.S.C. 78f(b)(5).

[66] 15 U.S.C. 78f(b)(8).

[67] *See* 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[68] For purposes of temporarily suspending the proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[69] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[70] 15 U.S.C. 78s(b)(2)(B).

Commission seeks and encourages interested persons to provide additional comment on the proposed rule changes to inform the Commission's analysis of whether to approve or disapprove the proposed rule changes.

Pursuant to Section 19(b)(2)(B) of the Act,[71] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Whether the Exchanges have demonstrated how the proposed fees are consistent with Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities'';[72]
- Whether the Exchanges have demonstrated how the proposed fees are consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be designed to ''perfect the mechanism of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers'';[73] and
- Whether the Exchanges have demonstrated how the proposed fees are consistent with Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].''[74]

As discussed in Section III above, the Exchanges made various arguments in support of the proposals, and the Commission received comment letters disputing the Exchanges' arguments and expressing concerns regarding the proposals.[75] In particular, the commenters argue that the Exchanges did not provide sufficient information to establish that the proposed fees are consistent with the Act and the rules thereunder.[76] The Commission believes that there are questions as to whether the Exchanges have provided sufficient information to demonstrate that the proposals are consistent with the Act and the rules thereunder.

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.''[77] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[78] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[79]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposals are consistent with the Act, and specifically, with its requirements that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities; are designed to perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest; are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and do not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act;[80] as well as any other provision of the Act, or the rules and regulations thereunder.

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by December 20, 2021. Rebuttal comments should be submitted by January 3, 2022. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[81]

The Commission asks that commenters address the sufficiency and merit of the Exchanges' statements in support of the proposals, in addition to any other comments they may wish to submit about the proposed rule changes.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule changes, including whether the proposed rule changes are 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 Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31 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 Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31. These file numbers 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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

[71] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchange consents to the longer period. *See id.*

[72] 15 U.S.C. 78f(b)(4).

[73] 15 U.S.C. 78f(b)(5).

[74] 15 U.S.C. 78f(b)(8).

[75] *See* First SIG Letter and Second SIG Letter, *supra* note 42; SIFMA Letter, *supra* note 54.

[76] *See id.*

[77] 17 CFR 201.700(b)(3).

[78] *See id.*

[79] *See id.*

[80] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[81] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

inspection and copying at the principal office of the Exchanges. 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 Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31 and should be submitted on or before December 20, 2021. Rebuttal comments should be submitted by January 3, 2022.

## VI. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(3)(C) of the Act,[82] that File Nos. SR–MIAX–2021–43 and SR–EMERALD–2021–31 be, and hereby are, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule changes should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[83]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25879 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93644; File No. SR–EMERALD–2021–29]**

## Self-Regulatory Organizations; MIAX Emerald, LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change To Amend the Exchange's Fee Schedule To Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

November 22, 2021.

## I. Introduction

On September 24, 2021, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Number SR–EMERALD–2021–29) to amend the Exchange's Fee Schedule (''Fee Schedule'') to adopt a tiered pricing structure for certain connectivity fees. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on October 4, 2021.[4] Under Section 19(b)(3)(C) of the Act,[5] the Commission is hereby: (i) Temporarily suspending File Number SR–EMERALD–2021–29; and (ii) instituting proceedings to determine whether to approve or disapprove File Number SR–EMERALD–2021–29.

## II. Description of the Proposed Rule Change

MIAX Emerald proposes to modify the Exchange's Fee Schedule to adopt a tiered-pricing structure for 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connections to the Exchange's primary and secondary facilities available to both Members [6] and non-Members. Specifically, the Exchange proposes to modify the pricing structure for 10Gb ULL connections from a flat monthly fee of $10,000 per 10Gb ULL connection to the following fees (collectively, the ''Proposed Access Fees''): [7]

- $9,000 each for the 1st and 2nd connections;
- $11,000 each for the 3rd and 4th connections; and
- $13,000 for each additional connection after the 4th connection.

These fees are assessed in any month the Member or non-Member is credentialed to use any of the Exchange's APIs or market data feeds in the Exchange's production environment, pro-rated when a Member or non-Member makes a change to connectivity by adding or deleting connections, and assessed in any month during which the Member or non-Member has established connectivity with the Exchange's disaster recovery facility.[8]

## III. Suspension of the Proposed Rule Change

Pursuant to Section 19(b)(3)(C) of the Act,[9] at any time within 60 days of the date of filing of an immediately effective proposed rule change pursuant to Section 19(b)(1) of the Act,[10] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. As discussed below, the Commission believes a temporary suspension of the proposed rule change is necessary and appropriate to allow for additional analysis of the proposed rule change's consistency with the Act and the rules thereunder.

The Exchange states that the tiered-pricing structure is reasonable, equitably allocated, and not unfairly discriminatory because it will encourage Members and non-Members to be more efficient and economical when determining how to connect to the Exchange, and also enable the Exchange to better monitor and provide access to the Exchange's network to ensure sufficient capacity and headroom in the System.[11] The Exchange also states that the majority of Members and non-Members that purchase 10Gb ULL connections will either save money or pay the same amount after the tiered-pricing structure is implemented.[12] The Exchange further states that firms that primarily route orders for best executions generally only need a limited number of connections to fulfill that obligation and connectivity costs will

[82] 15 U.S.C. 78s(b)(3)(C).

[83] 17 CFR 200.30–3(a)(57) and (58).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as ''establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.'' 15 U.S.C. 78s(b)(3)(A)(ii).

[4] *See* Securities Exchange Act Release No. 93166 (September 28, 2021), 86 FR 54760 (''Notice''). Comments received on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-emerald-2021-29/sremerald202129.htm.*

[5] 15 U.S.C. 78s(b)(3)(C).

[6] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[7] The Exchange initially filed the proposed fee change on July 30, 2021. *See* Securities Exchange Act Release No. 92645 (August 11, 2021), 86 FR 46048 (August 17, 2021) (SR–EMERALD–2021–23). That filing was withdrawn by the Exchange and replaced with the instant filing, with additional information.

[8] *See* Notice, *supra* note 4, at 54761.

[9] 15 U.S.C. 78s(b)(3)(C).

[10] 15 U.S.C. 78s(b)(1).

[11] *See* Notice, *supra* note 4, at 54761. The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[12] *See* Notice, *supra* note 4, at 54761, 54769. The Exchange states that it initially filed this proposed fee change on July 30, 2021 (SR–EMERALD–2021–23) and, after the effective date of SR–EMERALD–2021–23 on August 1, 2021, approximately 60% of the firms that purchased at least one 10Gb ULL connection experienced a decrease in their monthly connectivity fees, while approximately 40% of firms experienced an increase in their monthly connectivity fees as a result of the proposed tiered-pricing structure when compared to the flat monthly fee structure. *See id.* at 54761. The Exchange also states that no Member or non-Member has altered its use of 10Gb ULL connectivity since the proposed fees went into effect on August 1, 2021. *See id.* at 54768.

likely to be lower for these firms, while for firms that engaged in advanced trading strategies that typically require multiple connections will generate higher costs by utilizing more of the Exchange's resources.[13]

In further support of the proposed fee changes, the Exchange argues principally that the fees for 10Gb ULL connections are constrained by competitive forces, and that this is supported by its revenue and cost analysis. The Exchange states that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive and the Exchange must continually adjust its fees for services and products, and in addition to order flow, to remain competitive with other exchanges.[14] The Exchange states that it is not aware of any evidence that a market share of approximately 5–6% provides the Exchange with anti-competitive pricing power, and that market participants may look to connect to the Exchange via cheaper alternatives or choose to disconnect from the Exchange or reduce the number of connections to the Exchange as a means to reduce costs.[15] The Exchange states that market participants can and do drop their access to exchanges based on non-transaction fee pricing.[16] The Exchange also states that there is no regulatory requirement that any market participant connect to any one options exchange, or connect at a particular connection speed or act in a particular capacity on the Exchange, and that the Exchange is unaware of any one options exchange whose membership includes all registered broker-dealers.[17]

The Exchange also states that the proposed fees are reasonable and appropriate to allow the Exchange to offset expenses the Exchange has and will incur in relation to providing the Proposed Access Fees and provides an analysis of its revenues, costs, and profitability associated with these fees.[18] The Exchange states that this analysis reflects an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services.[19] The Exchange states that this analysis shows the fee increase will not result in excessive pricing or supra-competitive profits when compared to the Exchange's annual expense associated with providing the 10Gb ULL connections versus the annual revenue for the 10Gb ULL connections.[20]

The Exchange states that, for 2021, the total annual expense for providing the access services associated with the Proposed Access Fees for the Exchange is projected to be approximately $7.2 million.[21] The $7.2 million in projected total annual expense is comprised of the following, all of which the Exchange states are directly related to the access services associated with the Proposed Access Fees: (1) Third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of the Exchange to provide the services associated with the Proposed Access Fees. The Exchange states that the $7.2 million in projected total annual expense is directly related to the access services associated with the Proposed Access Fees, and not any other product or service offered by the Exchange.

The Exchange states that the total third-party expense, relating to fees paid by the Exchange to third-parties for certain products and services for the Exchange to be able to provide the access services associated with the Proposed Access Fees is projected to be $1.7 million for 2021.[22] The Exchange represents that it determined whether third-party expenses related to the access services associated with the Proposed Access Fees, and, if such expense did so relate, determined what portion (or percentage) of such expense represents the cost to the Exchange to provide access services associated with the Proposed Access Fees. This includes allocating a portion of fees paid to: (1) Equinix, for data center services (approximately 62% of the Exchange's total applicable Equinix expense); (2) Zayo Group Holdings, Inc. for network services (approximately 62%); (3) Secure Financial Transaction Infrastructure and various other services providers (approximately 89%); [23] and (4) various other hardware and software providers (approximately 51%).

In addition, the Exchange states that the total internal expense, relating to the internal costs of the Exchange to provide the access services associated with the Proposed Access Fees, is projected to be approximately $5.5 million for 2021.[24] The Exchange represents that: (1) The Exchange's employee compensation and benefits expense relating to providing the access services associated with the Proposed Access Fees is projected to be approximately $3.2 million, which is a portion of the Exchange's total projected expense of approximately $9.7 million for employee compensation and benefits; (2) the Exchange's depreciation and amortization expense relating to providing the access services associated with the Proposed Access Fees is projected to be $2 million, which is a portion of the Exchange's total projected expense of $3.1 million for depreciation and amortization; and (3) the Exchange's occupancy expense relating to providing the access services associated with the Proposed Access Fees is projected to be $0.3 million, which is a portion of the Exchange's total projected expense of $0.5 million for occupancy.

The Exchange states that this cost and revenue analysis shows that the proposed rule change will not result in excessive pricing or supra-competitive profit.[25] The Exchange projects that, on a fully-annualized basis, the Proposed Access Fees will have an expense of approximately $7.2 million per annum and a projected revenue of $14.6 million per year, and including projected revenue for providing network connectivity for all connectivity alternatives to be approximately $14.63 million per annum, resulting in a projected profit margin of 51% inclusive of the Proposed Access Fees and all other connectivity alternatives ($14.63 million in total projected connectivity revenue minus $7.2 million in projected expense = $7.43 million profit per year). The Exchange states that this profit margin does not take into account the cost of capital expenditures that the

[13] *See id.* at 54762.

[14] *See id.* at 54761.

[15] *See id.* at 54763. The Exchange also notes that non-Member third-parties, such as service bureaus and extranets, resell the Exchange's connectivity, which is another viable alternative for market participants to trade on the Exchange. The Exchange notes that it receives no connectivity revenue when connectivity is resold, which the Exchange believes creates and fosters a competitive environment and subjects the Exchange to competitive forces in pricing its connectivity and access fees. *See id.* at 54769.

[16] *See id.* at 54763.

[17] *See id.* at 54768.

[18] *See id.* at 54764–67.

[19] *See id.* at 54762. The Exchange also states that no expense amount is allocated twice and the expenses only cover the Exchange and not its affiliates. *Id.* at 54762, 54764. 54766.

[20] *See id.* at 54767.

[21] *See id.* at 54764.

[22] *See id.* at 54764–65.

[23] The Exchange states that on October 22, 2019, the Exchange was notified by Secure Financial Transaction Infrastructure that it was raising its fees charged to the Exchange by approximately 11%, without being required to make a rule filing with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See id.* at 54764 n.29; *see also* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4.

[24] *See* Notice, *supra* note 4, at 54765–66.

[25] *See id.* at 54767.

Exchange historically spent or are projected to spend each year going forward.

The Exchange states that the proposed fees for 10Gb ULL connections is equitable and reasonable because the proposed highest tier is still less than fees charged for similar connectivity provided by other options exchanges.[26] The Exchange also states that its projected revenue from access fees is less than, or similar to, the access fee revenues generated by access fees charged by other U.S. options exchanges based on the 2020 audited financial statements within their Form 1 filings.[27] The Exchange also believes that its overall operating margin is in line with or less than the operating margins of competing options exchanges, including the revenue and expense associated with the Proposed Access Fees.[28] The Exchange states that this incremental increase in revenue generated from the 30% profit margin on connectivity will allow the Exchange to further invest in its system architecture and matching engine functionality to the benefit of all market participants.[29]

The Exchange states that the proposed fees are equitably allocated, not unfairly discriminatory, and do not impose an unnecessary or inappropriate burden on competition because the Proposed Access Fees do not favor certain categories of market participants in a manner that would impose a burden on competition because the allocation reflects the network resources consumed by the various usage of market participants, with the lowest bandwidth consuming members paying the least, and highest bandwidth consuming members paying the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange; [30] options market participants are not forced to connect to all options exchanges; [31] and options market participants may choose alternative methods of connecting to the Exchange, including routing through another participant or market center accessing the Exchange indirectly.[32]

The Commission received two comment letters from one commenter that opposes the proposed rule change.[33] This commenter states that the Exchange has not sufficiently demonstrated its proposed fees' consistency with the Act or addressed previous concerns with the proposed fees raised by the same commenter.[34] Specifically, this commenter argues that there are no reasonable substitutes for the Exchange's 10Gb ULL connectivity lines, particularly for market makers whose business models require them to subscribe to direct connectivity to the Exchange in the highest proposed pricing tier.[35] The commenter further argues that the fact that no member or non-member has altered its use of 10Gb ULL connectivity since the fee changes went into effect serves as further support of its claim that there are no reasonable alternatives to the service.[36] This commenter also argues that the ability for a member to withdraw from an exchange should not support the reasonableness of any individual proposed fee, as a member would incur significant costs in withdrawing from an exchange in the form of lost infrastructure investments, the cost of withdrawal itself, and other opportunity costs.[37] This commenter further objects that the Exchange has not provided sufficient quantitative support for its revenues, costs, and profitability under the current and proposed fees to support an analysis that the proposed fees and the Exchange's profitability are reasonable.[38] Moreover, the commenter argues that the Exchange's comparison of its projected access fee profit margins to the overall profit margins of competing exchanges is insufficient as it does not appropriately compare the individual components of these other exchange fees to those of the Exchange.[39] The commenter also suggests that any comparisons made by the Exchange to the revenues and margins of other exchanges are inapt because they do not account for the circumstances under which other exchanges established their fees, including, for example, whether the services are equivalent or the costs to provide them are similar.[40] Finally, this commenter claims that the proposed tiers in the new fee structure are unfairly discriminatory because the Exchange has not provided any cost breakdown to support the claim that the use of multiple connections creates higher costs for the Exchange.[41] Instead, the commenter argues that market participants who purchase more units of 10Gb ULL connections use more exchange bandwidth simply due to the fact that they have purchased more units, and that this does not justify the proposal to charge a higher rate *per unit,* which the commenter claims is unfairly discriminatory towards market maker subscribers.[42]

Another commenter opposing the proposed rule change states that the Exchange has not met its burden of demonstrating that the proposed fees are consistent with the standards under the Act.[43] This commenter states that the Exchange's argument that competition for order flow constrains pricing for products and services exclusively offered by the Exchange does not demonstrate that the fees are reasonable.[44] This commenter also disagrees with the Exchange's statement that it must continually adjust the fees for these services as a result of competition from other markets, arguing that this does not reflect marketplace reality.[45] This commenter also states

[26] *See id.* at 54763. The Exchange notes that higher connectivity fees for competing exchanges have been in place for years (over 8 years in some cases), which allowed these exchanges to derive significantly more revenue from their access fees. *See id.* The Exchange states that the Exchange and its affiliates have historically set their fees purposefully low in order to attract business and market share, and that it benefits overall competition in the marketplace to allow relatively new entrants like the Exchange and its affiliates to proposed fees that may help these new entrants recoup their substantial investment in building out costly infrastructure. *See id.* at 54768.

[27] *See id.* at 54767–68.

[28] *See id.* at 54768.

[29] *See id.* at 54767.

[30] *See id.* at 54769.

[31] *See id.*

[32] *See id.*

[33] *See* letters from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated October 1, 2021 (''First SIG Letter'') and October 26, 2021 (''Second SIG Letter'').

[34] *See* Second SIG Letter, *supra* note 33, at 2. In the First SIG Letter the commenter requested that the Commission suspend the proposal and institute proceedings to determine whether to approve or disapprove the proposal on the basis that the proposal represents the same fee changes previously proposed by the Exchange for which the commenter expressed concerns. *See also* letter from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated September 7, 2021, *available at https://www.sec.gov/comments/sr-miax-2021-35/srmiax202135-9208444-249989.pdf* (comment letter submitted to File Nos. SR–MIAX–2021–35, SR–MIAX–2021–37, SR–PEARL–2021–33, SR–PEARL–2021–36, SR–EMERALD–2021–23, and SR–EMERALD–2021–25, and expressing similar concerns to those described herein).

[35] *See* Second SIG Letter, *supra* note 33, at 2–3.

[36] *See id.* at 3.

[37] *See id.*

[38] *See id.* at 4. The commenter further argues that the Exchange has not sufficiently justified the profit margins they would be accruing with the proposed fees by, for example, explaining specific technological undertakings the Exchange expects to fund with the revenue from the new fees. *See id.*

[39] *See id.* at 4–5.

[40] *See id.*

[41] *See id.* at 5.

[42] *See id.* at 6.

[43] *See* letter from Ellen Green, Managing Director, Equity and Options Market Structure, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated November 16, 2021 (''SIFMA Letter'').

[44] *See id.* at 3. This commenter asserts that the proposals are similar to proprietary market data products offered by the Exchange, which the commenter states are unique to the Exchange and market participants cannot obtain anywhere else. *Id.*

[45] *See id.* at 4.

that the Exchange has failed to demonstrate that the proposed fees are equitably allocated and not unfairly discriminatory, claiming that the proposed fee changes directly impact market makers and the burden of the fee increases fall predominantly on market makers operating on the Exchange because 10Gb ULL connections are an essential technology tool for market makers.[46] The commenter states that the Exchange offers no concrete support for its arguments that the tiered pricing structure would encourage firms to be more economical and efficient in the number of connections they purchase, allowing the Exchange to better monitor and provide access to its network to ensure that it has sufficient capacity and headroom in its system.[47] This commenter also states that the Exchange provides no support for its position that the use of multiple 10Gb ULL connections generates higher costs for the Exchange, positing that it is likely the Exchange has fixed costs associated with providing connections and any additional connections purchased by users will result in greater Exchange profits.[48] The commenter also states that the Exchange has provided no public information on how it derived the cost amounts it determined to allocate to the products and services subject to the proposed fee changes nor any meaningful baseline information regarding the Exchange's overall costs.[49] This commenter believes that the Exchange has withdrawn and refiled an essentially identical proposal,[50] subverting proper consideration of the proposed fee changes under the process set forth in the Act.[51]

A different commenter, while not expressing support or opposition for the specific proposed fee changes, applauds the Exchange for the enhanced disclosure it has provided with respect to its proposed fee changes as compared to the information in prior rule filings by other exchanges proposing similar types of market data or connectivity fees.[52] This commenter states that the proposed fee changes would ''materially lower costs for many users, while increasing the costs for some of [the Exchange's] heaviest of users,'' noting that when these fee filing proposals were withdrawn and refiled, they contained ''significantly greater information about who is impacted and how than other filings that have been permitted to take effect without suspension.'' [53]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchange's present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[54] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement ''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [55]

Section 6 of the Act, including Sections 6(b)(4), (5), and (8), require the rules of an exchange to (1) provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [56] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [57] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[58]

In temporarily suspending the Exchange's fee change, the Commission intends to further consider whether the proposal to modify fees for certain connectivity options and implement a tiered pricing fee structure is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule change satisfies the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[59]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule change.[60]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change

In addition to temporarily suspending the proposal, the Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C) [61] and 19(b)(2)(B) of the Act [62] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[63] the Commission is providing

[46] *See id.* at 4–5. The commenter asserts that without high speed access provided through 10Gb ULL connections, market makers could be exposed to tremendous risk if their quotes become ''stale'' due to price movements in underlying securities. *See id.* at 4.

[47] *See id.* at 4. The commenter also states that the Exchange fails to provide any discussion of why its current capacity needs are constrained under the current pricing structure.

[48] *See id.* at 5.

[49] *See id.* The commenter believes that such information is needed to allow commenters to judge whether the allocations are supportable. *Id.* This commenter also believes that the Exchange's discussion of profit margins are ''high-level and conclusory,'' and fail to provide sufficient detail to understand whether or not the fees are reasonable. *Id.*

[50] *See supra* note 7.

[51] *See* SIFMA Letter, *supra* note 43, at 5–6.

[52] *See* letter from Tyler Gellasch, Executive Director, Healthy Markets Association, to Gary Gensler, Chair, Commission, dated October 29, 2021, at 17. This commenter also petitioned the Commission for rulemaking regarding the process for reviewing self-regulatory organization fee filings.

[53] *See id.* The commenter highlights that the Exchange's proposal details both the projected revenues generated from the proposed fees by user class as well as the percentage of subscribers whose fees increased or decreased as a result of the proposed changes. *See id.*

[54] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

[55] *Id.*

[56] 15 U.S.C. 78f(b)(4).

[57] 15 U.S.C. 78f(b)(5).

[58] 15 U.S.C. 78f(b)(8).

[59] *See* 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[60] For purposes of temporarily suspending the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[61] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[62] 15 U.S.C. 78s(b)(2)(B).

[63] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchange consents to the longer period. *See id.*

notice of the grounds for possible disapproval under consideration:

- Whether the Exchange has demonstrated how the proposal is consistent with Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities;'' [64]
- Whether the Exchange has demonstrated how the proposal is consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers;'' [65] and
- Whether the Exchange has demonstrated how the proposal is consistent with Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [66]

As discussed in Section III above, the Exchange makes various arguments in support of the proposal, and the Commission received comment letters disputing the Exchange's arguments and expressing concerns regarding the proposal.[67] In particular, two commenters argue that the Exchange did not provide sufficient information to establish that the proposed fees are consistent with the Act and the rules thereunder.[68] The Commission believes that there are questions as to whether the Exchange has provided sufficient information to demonstrate that the proposed 10Gb ULL connectivity fees is consistent with the Act and the rules thereunder.

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [69] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[70] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[71]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposal is consistent with the Act, specifically, with its requirements that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities; are designed to perfect the operation of a free and open market and a national market system, and to protect investors and the public interest; are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act; [72] as well as any other provision of the Act, or the rules and regulations thereunder.

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by December 20, 2021. Rebuttal comments should be submitted by January 3, 2022. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[73]

The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule change, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–EMERALD–2021–29 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–EMERALD–2021–29. 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–EMERALD–2021–29 and should be submitted on or before December 20, 2021. Rebuttal comments should be submitted by January 3, 2022.

## VI. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(3)(C) of the Act,[74] that File

[64] 15 U.S.C. 78f(b)(4).

[65] 15 U.S.C. 78f(b)(5).

[66] 15 U.S.C. 78f(b)(8).

[67] *See* First SIG Letter and Second SIG Letter, *supra* note 33; SIFMA Letter, *supra* note 43.

[68] *See supra* note 67.

[69] 17 CFR 201.700(b)(3).

[70] *See id.*

[71] *See id.*

[72] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

[73] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[74] 15 U.S.C. 78s(b)(3)(C).

Number SR–EMERALD–2021–29 be, and hereby is, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule change should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[75]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25883 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. PA–57A; File No. S7–14–21]**

## Privacy Act of 1974; System of Records

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of a new system of records.

**SUMMARY:** The Securities and Exchange Commission (SEC) proposes to establish SEC–34, Public Health and Safety Records under the Privacy Act of 1974. This system of records maintains information collected in response to a public health emergency. Information will be collected from SEC personnel (political appointees, employees, consultants, detailees, interns, and volunteers), contractors, visitors, job applicants, and others who access or seek to access SEC facilities or worksites to assist the SEC with maintaining a safe and healthy workplace and to protect its workforce from risks associated with communicable diseases.

**DATES:** The changes will become effective November 29, 2021, to permit public comment on the revised routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before November 29, 2021.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–14–21 on the subject line.

*Paper Comments*

Send paper comments to Vanessa A. Countryman, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to S7–14–21. This file number should be included on the subject line if email is used. To help 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/other.shtml*). Comments are also 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 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** For general and privacy related questions please contact: Ronnette McDaniel, Privacy and Information Assurance Branch Chief, 202–551–7200 or *privacyhelp@sec.gov.*

**SUPPLEMENTARY INFORMATION:** In order to collect and maintain contractor, visitor and job applicant disclosures, the SEC established SEC–34, Public Health and Safety Records, a system of records under the Privacy Act. The SEC is committed to maintaining a safe and healthy workplace and to protect its workforce from risks associated with a public health emergency. To ensure and maintain the safety of all SEC personnel (political appointees, employees, consultants, detailees, interns, and volunteers), contractors, visitors, job applicants, and others who access or seek to access an SEC facility, space, or worksite during a public health emergency, the SEC may develop and institute safety measures that require the collection of personal information. Records may include information on individuals' vaccination status and information to support a request for reasonable accommodation based on disability or sincerely held religious belief. Records also may include information on individuals who have been suspected or confirmed to have contracted a disease or illness, or who have been exposed to an individual who had been suspected or confirmed to have contracted a disease or illness, related to a declared public health emergency. Records may also include information on the individual circumstances surrounding the disease or illness such as dates of suspected exposure, testing results, symptoms, treatments, and other related health status information. Any contact tracing conducted by SEC personnel will involve collecting information about SEC personnel, contractors and visitors who are exhibiting symptoms or who have tested positive for an infectious disease in order to identify and notify other SEC personnel, contractors and visitors with whom they may have come into contact and who may have been exposed. Records may also include information on individuals identified as emergency contacts for SEC personnel. Information from this system of records will be collected, maintained, and disclosed in accordance with applicable law, regulations, and statutes, including, but not limited to; the Americans with Disabilities Act of 1990 and regulations and guidance published by the U.S. Occupational Safety and Health Administration, the U.S. Equal Employment Opportunity Commission, and the U.S. Centers for Disease Control and Prevention.

**SYSTEM NAME AND NUMBER:**

SEC–34 Public Health and Safety Records.

**SECURITY CLASSIFICATION:**

Non-classified.

**SYSTEM LOCATION:**

Securities and Exchange Commission (SEC), 100 F Street NE, Washington, DC 20549. Files may also be maintained in the following SEC Regional Offices: Atlanta Regional Office (ARO), 950 East Paces Ferry Road NE, Suite 900, Atlanta, GA 30326–1382; Boston Regional Office (BRO), 33 Arch Street, 24th Floor, Boston, MA 02110–1424; Chicago Regional Office (CHRO), 175 W Jackson Boulevard, Suite 1450, Chicago, IL 60604; Denver Regional Office (DRO), Byron Rogers Federal Office Building, 1961 Stout Street, Suite 1700, Denver, CO 80294–1961; Fort Worth Regional Office (FWRO), Burnett Plaza, 801 Cherry Street, Suite 1900, Unit 18, Fort Worth, TX 76102; Los Angeles Regional Office (LARO), 444 South Flower Street, Suite 900, Los Angeles, CA 90071; Miami Regional Office (MIRO), 801 Brickell Avenue, Suite 1950, Miami, FL 33131; New York Regional Office (NYRO), Brookfield Place, 200 Vesey Street, Suite 400, New York, NY 10281–1022; Philadelphia Regional Office (PLRO), One Penn Center, 1617 John F. Kennedy Boulevard, Suite 520, Philadelphia, PA 19103–1844; Salt Lake Regional Office (SLRO), 351 S West Temple St., Suite 6.100, Salt Lake City, UT 84101; and San Francisco Regional

[75] 17 CFR 200.30–3(a)(57) and (58).

Office (SFRO), 44 Montgomery Street, Suite 2800, San Francisco, CA 94104.

**SYSTEM MANAGER(S):**

Chief Operating Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The authority to collect this information derives from General Duty Clause, Sections 5(a)(1) and 19(a) of the Occupational Safety and Health (OSH) Act of 1970 (29 U.S.C. 654(a)(1), 668(a)); Section 319 of the Public Health Service Act (42 U.S.C. 247d); E.O. 12196, *Occupational Safety and Health Programs for Federal Employees* (Feb. 26, 1980); Section 791 of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended; Section 701(j) of Title VII, Civil Rights Act of 1964, as amended (42 U.S.C. 2000e); Executive Order 13164, *Requiring Federal Agencies To Establish Procedures To Facilitate the Provision of Reasonable Accommodation* (July 26, 2000); 29 CFR 1605 and 1614; E.O 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing;* (Jan. 25, 2021); *Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors* (September 9, 2021); *Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (September 9, 2021); OMB Memorandum M–20–23 *Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again* (Apr. 20, 2020); and OMB Memorandum M–21–15 *COVID–19 Safe Federal Workplace: Agency Model Safety Principles* (Jan. 24, 2021). Information will be collected and maintained in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

**PURPOSE(S) OF THE SYSTEM:**

The information in the system is collected to assist the SEC with maintaining a safe and healthy workplace and to protect its workforce from risks associated with communicable diseases that the Secretary of the Department of Health and Human Services has determined to be a public health emergency pursuant to Section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)) (''Public Health Emergency''). Records in this system may be collected, maintained, and used to: (1) Determine who may be allowed access to SEC facilities or worksites and what testing or medical screening is necessary before a person may enter; (2) respond to a significant risk of harm to SEC personnel, contractors, and visitors, as well as to any others in SEC facilities or worksites; (3) document reports that SEC personnel, contractors, or any persons who have been in SEC facilities or worksites may have or may have been exposed to a communicable disease that is the subject of a Public Health Emergency; (4) perform contact tracing investigations of and notifications to SEC personnel, contractors, and visitors known or suspected of exposure to communicable diseases that are the subject of a Public Health Emergency; (5) inform federal, state, or local public health authorities so that these authorities may act to protect public health as allowed or required by law; (6) implement such actions (*e.g.* quarantine or isolation) as necessary to prevent the introduction, transmission, and spread of a communicable disease that is the subject of a Public Health Emergency by SEC personnel, contractors, and persons who have been in SEC facilities or worksites; (7) comply with Occupational Safety and Health Administration Act recordkeeping requirements; and (8) process employee requests for reasonable accommodation based on disability or sincerely held religious belief.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system include all SEC personnel (political appointees, employees, consultants, detailees, interns, and volunteers), contractors, visitors, job applicants, and others who access or seek to access SEC facilities or worksites. The system also covers individuals identified as emergency contacts for SEC staff.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information collected and maintained may include, but is not limited to:

—Biographical information: Name and contact information.

—Health information: Body temperature, dates of and symptoms relating to a potential or actual exposure to a pathogen, or immunization and/or vaccination information.

—Information to support a request for reasonable accommodation based on disability or sincerely held religious belief.

—Contact tracing information: Dates of visits to SEC facilities, locations visited within the facility (*e.g.,* office and cubicle number), the duration of time spent in the facility, dates the SEC was made aware of the exposure, and potential contacts between potentially contagious persons and others in SEC facilities.

—Testing Results: Negative results, confirmed or unconfirmed positive test results, and documents related to the reasons for testing or other aspects of test results.

—Subsequent actions taken by the SEC to address an incident: Identifying and contact information of individuals who have been suspected or confirmed to have contracted a communicable disease that is the subject of a Public Health Emergency, or who have been exposed to an individual who has been suspected or confirmed to have contracted a communicable disease that is the subject of a Public Health Emergency; individual circumstances and dates of suspected exposure; symptoms; and treatments. The SEC uses this information to maintain a safe and healthy workplace and to protect its workforce. Although it is not the intent for the SEC to collect family medical information, an individual may indicate that they were exposed to specific family members who have been diagnosed with, or are suspected to have, the disease in question. To the extent this information may be acquired inadvertently, such information will be kept as a confidential medical record and maintained separately from an employee's SEC personnel file.

**RECORD SOURCE CATEGORIES:**

The information in this system is collected directly from the individual or from the individual's emergency contact. Information may also be collected from security systems that monitor access to SEC facilities, such as badging systems, video surveillance, human resources systems, emergency notification systems, and federal, state, and local agencies assisting with the response to a Public Health Emergency. Information may also be collected from SEC contractors or from property management companies responsible for managing office buildings that house SEC facilities or worksites, including the General Services Administration (GSA).

**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 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) SEC suspects or has confirmed that there has been a breach of the system of records; (2) the SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC

(including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To a Federal, State, or local agency to the extent necessary to comply with laws governing reporting of infectious disease.

3. To SEC personnel, contractors, visitors, emergency contacts, or others to notify an individual (1) who has been exposed or may have potentially been exposed to a communicable disease that is the subject of a Public Health Emergency of information regarding the exposure or potential exposure, or (2) who may have reason to know of circumstances that increase the risk of such exposure. To the extent possible, all information will be anonymized.

4. To another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the SEC is a party to the judicial or administrative proceeding where the information is relevant and necessary to the proceeding.

5. To employees, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

6. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

7. To another Federal agency or Federal entity, when the SEC 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:**

Records in this system of records are stored electronically or on paper in secure facilities. Electronic records are stored on the SEC's secure network.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Information covered by this system of records notice may be retrieved by the name of the individual, contact information, or by some combination thereof.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

The records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with records schedules of the United States Securities and Exchange Commission, and as approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras, and, at certain SEC facilities, 24-hour security guard service. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

**RECORD ACCESS PROCEDURES:**

Persons seeking to gain access to any record contained in this system of records may inquire in writing in accordance with instructions in SEC Privacy Act Regulations; 17 CFR 200.301 *et seq.* Address such request to: FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

**CONTESTING RECORD PROCEDURES:**

Persons seeking to contest the content of any record contained in this system of records may inquire in writing in accordance with instructions in SEC Privacy Act Regulations, 17 CFR 200.301 *et seq.* Address such requests to: FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

**NOTIFICATION PROCEDURES:**

See ''Record Access Procedures'' above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

Release No. PA–57; File No. S7–14–21; 86 FR 60496, November 2, 2021.

By the Commission.

Dated: November 22, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25871 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–221, OMB Control No. 3235–0232]**

## Proposed Collection; Comment Request; Extension: Form 1–E, Regulation E

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information of the Office of Management and Budget for extension and approval.

Form 1–E (17 CFR 239.200) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') is the form that a small business investment company (''SBIC'') or business development company (''BDC'') uses to notify the Commission that it is claiming an exemption under Regulation E from registering its securities under the

Securities Act. Rule 605 of Regulation E (17 CFR 230.605) under the Securities Act requires an SBIC or BDC claiming such an exemption to file an offering circular with the Commission that must also be provided to persons to whom an offer is made. Form 1–E requires an issuer to provide the names and addresses of the issuer, its affiliates, directors, officers, and counsel; a description of events which would make the exemption unavailable; the jurisdictions in which the issuer intends to offer the securities; information about unregistered securities issued or sold by the issuer within one year before filing the notification on Form 1–E; information as to whether the issuer is presently offering or contemplating offering any other securities; and exhibits, including copies of the rule 605 offering circular and any underwriting contracts.

The Commission uses the information provided in the notification on Form 1–E and the offering circular to determine whether an offering qualifies for the exemption under Regulation E. The Commission estimates that, each year, one issuer files one notification on Form 1–E, together with offering circulars, with the Commission.[1] Based on the Commission's experience with disclosure documents, we estimate that the burden from compliance with Form 1–E and the offering circular requires approximately 100 hours per filing. The annual burden hours for compliance with Form 1–E and the offering circular would be 200 hours (2 responses × 100 hours per response). Estimates of the burden hours are made solely for the purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: November 23, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25913 Filed 11–26–21; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93639; File Nos. SR–MIAX–2021–41, SR–PEARL–2021–45]**

## Self-Regulatory Organizations; Miami International Securities Exchange LLC, MIAX PEARL, LLC; Suspension of and Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Changes To Amend the Fee Schedules To Adopt a Tiered-Pricing Structure for Certain Connectivity Fees

November 22, 2021.

### I. Introduction

On September 24, 2021, Miami International Securities Exchange LLC, LLC (''MIAX'') and MIAX PEARL, LLC (''MIAX Pearl'') (collectively, the ''Exchanges'') each filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change (File Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45) to amend the MIAX Fee Schedule and MIAX Pearl Options Fee Schedule (collectively, the ''Fee Schedules'') to adopt a tiered pricing structure for certain connectivity fees. The proposed rule changes were immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule changes were published for comment in the **Federal Register** on October 4, 2021.[4] Under Section 19(b)(3)(C) of the Act,[5] the Commission is hereby: (i) Temporarily suspending File Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45; and (ii) instituting proceedings to determine whether to approve or disapprove File Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45.

### II. Description of the Proposed Rule Changes

The Exchanges propose to modify their Fee Schedules to adopt a tiered-pricing structure for 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connections to the Exchanges' primary and secondary facilities available to both Members[6] and non-Members. Specifically, the Exchanges propose to modify the pricing structure for 10Gb ULL connections from a flat monthly fee of $10,000 per 10Gb ULL connection to the following fees (collectively, the ''Proposed Access Fees''):[7]

- $9,000 each for the 1st and 2nd connections;
- $11,000 each for the 3rd and 4th connections; and
- $13,000 for each additional connection after the 4th connection.

These fees are assessed in any month the Member or non-Member is credentialed to use any of the Exchanges' APIs or market data feeds in the Exchanges' production environment, pro-rated when a Member or non-Member makes a change to connectivity by adding or deleting connections, and assessed in any month during which the Member or non-Member has established connectivity with the Exchanges' disaster recovery facility.[8]

The Exchanges state that the Exchanges' MIAX Express Network Interconnect (''MENI'') can be configured to provide Members and non-Members of the Exchanges network connectivity to the trading platforms,

[1] According to Commission records, one issuer filed two notifications on Form 1–E, together with offering circulars, during 2013 and 2014.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as ''establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.'' 15 U.S.C. 78s(b)(3)(A)(ii).

[4] *See* Securities Exchange Act Release Nos. 93165 (September 28, 2021), 86 FR 54750 (''MIAX Notice''); 93162 (September 28, 2021), 86 FR 54739 (''Pearl Notice''). For ease of reference, citations to statements generally applicable to both notices are to the MIAX Notice. Comments received on the proposed rule changes are available on the Commission's website at: *https://www.sec.gov/comments/sr-miax-2021-41/srmiax202141.htm* (SR–MIAX–2021–41); *https://www.sec.gov/comments/sr-pearl-2021-45/srpearl202145.htm* (SR–PEARL–2021–45).

[5] 15 U.S.C. 78s(b)(3)(C).

[6] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[7] The Exchanges initially filed the proposed fee changes on July 30, 2021. *See* Securities Exchange Act Release Nos. 92643 (August 11, 2021), 86 FR 46034 (August 17, 2021) (SR–MIAX–2021–35), 92644 (August 11, 2021), 86 FR 46055 (August 17, 2021) (SR–PEARL–2021–36). These filings were withdrawn by the Exchanges and replaced with the instant filings, with additional information.

[8] *See* MIAX Notice, *supra* note 4, at 54751.

market data systems, test systems, and disaster recovery facilities of both MIAX and MIAX Pearl, via a single, shared connection. The Exchanges state that Members and non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of MIAX and MIAX Pearl via a single, shared connection will be assessed one monthly connectivity fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.[9]

## III. Suspension of the Proposed Rule Changes

Pursuant to Section 19(b)(3)(C) of the Act,[10] at any time within 60 days of the date of filing of an immediately effective proposed rule change pursuant to Section 19(b)(1) of the Act,[11] the Commission summarily may temporarily suspend the change in the rules of a self-regulatory organization (''SRO'') if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. As discussed below, the Commission believes a temporary suspension of the proposed rule changes is necessary and appropriate to allow for additional analysis of the proposed rule changes' consistency with the Act and the rules thereunder.

The Exchanges state that the tiered-pricing structure is reasonable, equitably allocated, and not unfairly discriminatory because it will encourage Members and non-Members to be more efficient and economical when determining how to connect to the Exchanges, and also enable the Exchanges to better monitor and provide access to the Exchanges' network to ensure sufficient capacity and headroom in the System.[12] The Exchanges also state that the majority of Members and non-Members that purchase 10Gb ULL connections will either save money or pay the same amount after the tiered-pricing structure is implemented.[13] The Exchanges further state that firms that primarily route orders for best executions generally only need a limited number of connections to fulfill that obligation and connectivity costs will likely to be lower for these firms, while for firms that engaged in advanced trading strategies that typically require multiple connections will generate higher costs by utilizing more of the Exchanges' resources.[14]

In further support of the proposed fee changes, the Exchanges argue principally that the fees for 10Gb ULL connections are constrained by competitive forces, and that this is supported by their revenue and cost analysis. The Exchanges state that they operate in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive and the Exchanges must continually adjust their fees for services and products, and in addition to order flow, to remain competitive with other exchanges.[15] The Exchanges state that they are not aware of any evidence that a market share of approximately 5–6% provides the Exchanges with anti-competitive pricing power, and that market participants may look to connect to the Exchanges via cheaper alternatives or choose to disconnect from the Exchanges or reduce the number of connections to the Exchanges as a means to reduce costs.[16] The Exchanges state that market participants can and do drop their access to exchanges based on non-transaction fee pricing.[17] The Exchanges also state that there is no regulatory requirement that any market participant connect to any one options exchange, or connect at a particular connection speed or act in a particular capacity on the Exchanges, and that the Exchanges are unaware of any one options exchange whose membership includes all registered broker-dealers.[18]

The Exchanges also state that the proposed fees are reasonable and appropriate to allow the Exchanges to offset expenses the Exchanges have and will incur in relation to providing the Proposed Access Fees and provide an analysis of their revenues, costs, and profitability associated with these fees.[19] The Exchanges state that this analysis reflects an extensive cost review in which the Exchanges analyzed every expense item in the Exchanges' general expense ledgers to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services.[20] The Exchanges state that this analysis shows the fee increases will not result in excessive pricing or supra-competitive profits when compared to MIAX's and MIAX Pearl's annual expense associated with providing the 10Gb ULL connections versus the annual revenue for the 10Gb ULL connections.[21]

The Exchanges state that, for 2021, the total annual expense for providing the access services associated with the Proposed Access Fees for MIAX and MIAX Pearl is projected to be approximately $15.9 million.[22] The $15.9 million in projected total annual expense is comprised of the following, all of which the Exchanges state are directly related to the access services associated with the Proposed Access Fees: (1) Third-party expense, relating to fees paid by the Exchanges to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of the Exchanges to provide the services associated with the Proposed Access Fees. The Exchanges state that the $15.9 million in projected total annual expense is directly related to the access services associated with the Proposed Access Fees, and not any

[9] *See id.* The Exchanges state that a firm that is a Member of both MIAX Pearl and MIAX can also allocate connections to the exchanges at the lowest rates. For example, a firm that purchases three or four total 10 Gb ULL connections can allocate one or two to MIAX Pearl and the remaining one or two to MIAX and pay the lowest rate of $9,000 for each of these connections, due to the shared MENI infrastructure of MIAX Pearl and MIAX. *See id.*

[10] 15 U.S.C. 78s(b)(3)(C).

[11] 15 U.S.C. 78s(b)(1).

[12] *See* MIAX Notice, *supra* note 4, at 54761–62. The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[13] *See* MIAX Notice, *supra* note 4, at 54752, 54759. The Exchanges state that they initially filed the proposed fee changes on July 30, 2021 (SR–MIAX–2021–35 and SR–PEARL–2021–36) and, after the effective date of SR–MIAX–2021–35 and SR–PEARL–2021–36 on August 1, 2021, approximately 80% of the firms that purchased at least one 10Gb ULL connection experienced a decrease in their monthly connectivity fees, while approximately 20% of firms experienced an increase in their monthly connectivity fees as a result of the proposed tiered-pricing structure when compared to the flat monthly fee structure. *See id.* at 54752. The Exchanges also state that no Member or non-Member has altered its use of 10Gb ULL connectivity since the proposed fees went into effect on August 1, 2021.

[14] *See id.*

[15] *See id.* at 54751–52.

[16] *See id.* at 54753. The Exchanges also note that non-Member third-parties, such as service bureaus and extranets, resell the Exchanges' connectivity, which is another viable alternative for market participants to trade on the Exchanges. The Exchanges note that they receive no connectivity revenue when connectivity is resold, which the Exchanges believe creates and fosters a competitive environment and subjects the Exchanges to competitive forces in pricing their connectivity and access fees. *See id.* at 54759.

[17] *See id.* at 54754.

[18] *See id.* at 54759.

[19] *See id.* at 54754–57.

[20] *See id.* at 54752. The Exchanges also state that no expense amount is allocated twice. *Id.* at 54755, 54757. Expenses associated with the MIAX Pearl equities market are accounted for separately and are not within the scope of this filing. *See id.* at 54754.

[21] *See id.* at 54757.

[22] *See id.* at 54754.

other product or service offered by the Exchanges.

The Exchanges state that the total third-party expense, relating to fees paid by MIAX and MIAX Pearl to third-parties for certain products and services for the Exchanges to be able to provide the access services associated with the Proposed Access Fees is projected to be $3.9 million for 2021.[23] The Exchanges represent that they determined whether third-party expenses related to the access services associated with the Proposed Access Fees, and, if such expense did so relate, determined what portion (or percentage) of such expense represents the cost to the Exchanges to provide access services associated with the Proposed Access Fees. This includes allocating a portion of fees paid to: (1) Equinix, for data center services (approximately 62% of the Exchanges' total applicable Equinix expense); (2) Zayo Group Holdings, Inc. for network services (approximately 62%); (3) Secure Financial Transaction Infrastructure and various other services providers (approximately 75%); [24] and (4) various other hardware and software providers (approximately 51%).

In addition, the Exchanges state that the total internal expense, relating to the internal costs of the Exchanges to provide the access services associated with the Proposed Access Fees, is projected to be approximately $12 million for 2021.[25] The Exchanges represent that: (1) The Exchanges' employee compensation and benefits expense relating to providing the access services associated with the Proposed Access Fees is projected to be approximately $6.1 million, which is a portion of the total projected expense of $12.6 million for MIAX and $9.2 million for MIAX Pearl for employee compensation and benefits; (2) the Exchanges' depreciation and amortization expense relating to providing the access services associated with the Proposed Access Fees is projected to be $5.3 million, which is a portion of the total projected expense of $4.8 million for MIAX and $2.9 million for MIAX Pearl for depreciation and amortization; and (3) the Exchanges' occupancy expense relating to providing the access services associated with the Proposed Access Fees is projected to be $0.6 million, which is a portion of the Exchanges' total projected expense of $0.6 million for MIAX and $0.5 million for MIAX Pearl for occupancy.

The Exchanges state that this cost and revenue analysis shows that the proposed rule changes will not result in excessive pricing or supra-competitive profit.[26] The Exchanges project that, on a fully-annualized basis, the Proposed Access Fees will have an expense of approximately $15.9 million per annum and a projected revenue of $22 million per year, and including projected revenue for providing network connectivity for all connectivity alternatives to be approximately $22.8 million per annum, resulting in a projected profit margin of 30% inclusive of the Proposed Access Fees and all other connectivity alternatives ($22.8 million in total projected connectivity revenue minus $15.9 million in projected expense = $6.9 million profit per year). The Exchanges state that this profit margin does not take into account the cost of capital expenditures that MIAX and MIAX Pearl historically spent or are projected to spend each year going forward.

The Exchanges state that the proposed fees for 10Gb ULL connections is equitable and reasonable because the proposed highest tier is still less than fees charged for similar connectivity provided by other options exchanges.[27] The Exchanges also state that their projected revenue from access fees is less than, or similar to, the access fee revenues generated by access fees charged by other U.S. options exchanges based on the 2020 audited financial statements within their Form 1 filings.[28] The Exchanges also believe that their overall operating margin is in line with or less than the operating margins of competing options exchanges, including the revenue and expense associated with the Proposed Access Fees.[29] The Exchanges state that this incremental increase in revenue generated from the 30% profit margin on connectivity will allow the Exchanges to further invest in their system architecture and matching engine functionality to the benefit of all market participants.[30]

The Exchanges state that the proposed fees are equitably allocated, not unfairly discriminatory, and do not impose an unnecessary or inappropriate burden on competition because the Proposed Access Fees do not favor certain categories of market participants in a manner that would impose a burden on competition because the allocation reflects the network resources consumed by the various usage of market participants, with the lowest bandwidth consuming members paying the least, and highest bandwidth consuming members paying the most, particularly since higher bandwidth consumption translates to higher costs to the Exchanges; [31] options market participants are not forced to connect to all options exchanges; [32] and options market participants may choose alternative methods of connecting to the Exchanges, including routing through another participant or market center accessing the Exchanges indirectly.[33]

The Commission received two comment letters from one commenter that opposes the proposed rule changes.[34] This commenter states that the Exchanges have not sufficiently demonstrated their proposed fees' consistency with the Act or addressed previous concerns with the proposed fees raised by the same commenter.[35] Specifically, this commenter argues that there are no reasonable substitutes for the Exchanges' 10Gb ULL connectivity lines, particularly for market makers whose business models require them to subscribe to direct connectivity to the Exchanges in the highest proposed pricing tier.[36] The commenter further

[23] *See id.* at 54755.

[24] The Exchanges state that on October 22, 2019, the Exchanges were notified by Secure Financial Transaction Infrastructure that it was raising its fees charged to the Exchanges by approximately 11%, without being required to make a rule filing with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See id.* at 54755 n.29; *see also* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4.

[25] *See* MIAX Notice, *supra* note 4, at 54756.

[26] *See id.* at 54757.

[27] *See id.* at 54753. The Exchanges note that higher connectivity fees for competing exchanges have been in place for years (over 8 years in some cases), which allowed these exchanges to derive significantly more revenue from their access fees. *See id.* at 54753–54. The Exchanges state that the Exchanges and their affiliates have historically set their fees purposefully low in order to attract business and market share, and that it benefits overall competition in the marketplace to allow relatively new entrants like the Exchanges and their affiliates to propose fees that may help these new entrants recoup their substantial investment in building out costly infrastructure. *See id.* at 54758–59.

[28] *See id.* at 54758.

[29] *See id.*

[30] *See id.*

[31] *See id.* at 54759.

[32] *See id.*

[33] *See id.*

[34] *See* letters from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated October 1, 2021 (''First SIG Letter'') and October 26, 2021 (''Second SIG Letter'').

[35] *See* Second SIG Letter, at 2. In the First SIG Letter the commenter requested that the Commission suspend the proposals and institute proceedings to determine whether to approve or disapprove the proposals on the basis that the proposals represent the same fee changes previously proposed by the Exchanges for which the commenter expressed concerns. *See also* letter from Richard J. McDonald, Susquehanna International Group, LLP, to Vanessa Countryman, Secretary, Commission, dated September 7, 2021, *available at https://www.sec.gov/comments/sr-miax-2021-35/srmiax202135-9208444-249989.pdf* (comment letter submitted to File Nos. SR–MIAX–2021–35, SR–MIAX–2021–37, SR–PEARL–2021–33, SR–PEARL–2021–36, SR–EMERALD–2021–23, and SR–EMERALD–2021–25, and expressing similar concerns to those described herein).

[36] *See* Second SIG Letter, *supra* note 36, at 2–3.

argues that the fact that no member or non-member has altered its use of 10Gb ULL connectivity since the fee changes went into effect serves as further support of its claim that there are no reasonable alternatives to the service.[37] This commenter also argues that the ability for a member to withdraw from an exchange should not support the reasonableness of any individual proposed fee, as a member would incur significant costs in withdrawing from an exchange in the form of lost infrastructure investments, the cost of withdrawal itself, and other opportunity costs.[38] This commenter further objects that the Exchanges have not provided sufficient quantitative support for their revenues, costs, and profitability under the current and proposed fees to support an analysis that the proposed fees and the Exchanges' profitability are reasonable.[39] Moreover, the commenter argues that the Exchanges' comparison of their projected access fee profit margins to the overall profit margins of competing exchanges is insufficient as it does not appropriately compare the individual components of these other exchange fees to those of the Exchanges.[40] The commenter also suggests that any comparisons made by the Exchanges to the revenues and margins of other exchanges are inapt because they do not account for the circumstances under which other exchanges established their fees, including, for example, whether the services are equivalent or the costs to provide them are similar.[41] Finally, this commenter claims that the proposed tiers in the new fee structure are unfairly discriminatory because the Exchanges have not provided any cost breakdown to support the claim that the use of multiple connections creates higher costs for the Exchanges.[42] Instead, the commenter argues that market participants who purchase more units of 10Gb ULL connections use more exchange bandwidth simply due to the fact that they have purchased more units, and that this does not justify the proposal to charge a higher rate *per unit,* which the commenter claims is unfairly discriminatory towards market maker subscribers.[43]

Another commenter opposing the proposed rule changes states that the Exchanges have not met their burden of demonstrating that the proposed fees are consistent with the standards under the Act.[44] This commenter states that the Exchanges' argument that competition for order flow constrains pricing for products and services exclusively offered by the Exchanges does not demonstrate that the fees are reasonable.[45] This commenter also disagrees with the Exchanges' statement that they must continually adjust the fees for these services as a result of competition from other markets, arguing that this does not reflect marketplace reality.[46] This commenter also states that the Exchanges have failed to demonstrate that the proposed fees are equitably allocated and not unfairly discriminatory, claiming that the proposed fee changes directly impact market makers and the burden of the fee increases fall predominantly on market makers operating on the Exchanges because 10Gb ULL connections are an essential technology tool for market makers.[47] The commenter states that the Exchanges offer no concrete support for their arguments that the tiered pricing structure would encourage firms to be more economical and efficient in the number of connections they purchase, allowing the Exchanges to better monitor and provide access to their networks to ensure that they have sufficient capacity and headroom in their systems.[48] This commenter also states that the Exchanges provide no support for their position that the use of multiple 10Gb ULL connections generates higher costs for the Exchanges, positing that it is likely the Exchanges have fixed costs associated with providing connections and any additional connections purchased by users will result in greater Exchange profits.[49] The commenter also states that the Exchanges have provided no public information on how they derived the cost amounts they determined to allocate to the products and services subject to the proposed fee changes nor any meaningful baseline information regarding the Exchanges' overall costs.[50] This commenter believes that the Exchanges have withdrawn and refiled essentially identical proposals,[51] subverting proper consideration of the proposed fee changes under the process set forth in the Act.[52]

A different commenter, while not expressing support or opposition for the specific proposed fee changes, applauds the Exchanges for the enhanced disclosure they have provided with respect to their proposed fee changes as compared to the information in prior rule filings by other exchanges proposing similar types of market data or connectivity fees.[53] This commenter states that the proposed fee changes would ''materially lower costs for many users, while increasing the costs for some of [the Exchanges'] heaviest of users,'' noting that when these fee filing proposals were withdrawn and refiled, they contained ''significantly greater information about who is impacted and how than other filings that have been permitted to take effect without suspension.'' [54]

When exchanges file their proposed rule changes with the Commission, including fee filings like the Exchanges' present proposal, they are required to provide a statement supporting the proposal's basis under the Act and the rules and regulations thereunder applicable to the exchange.[55] The instructions to Form 19b–4, on which exchanges file their proposed rule changes, specify that such statement

[37] *See id.* at 3.

[38] *See id.*

[39] *See id.* at 4. The commenter further argues that the Exchanges have not sufficiently justified the profit margins they would be accruing with the proposed fees by, for example, explaining specific technological undertakings the Exchanges expect to fund with the revenue from the new fees. *See id.*

[40] *See id.* at 4–5.

[41] *See id.*

[42] *See id.* at 5.

[43] *See id.* at 6.

[44] *See* letter from Ellen Green, Managing Director, Equity and Options Market Structure, Securities Industry and Financial Markets Association, to Vanessa Countryman, Secretary, Commission, dated November 16, 2021 (''SIFMA Letter'').

[45] *See id.* at 3. This commenter asserts that the proposals are similar to proprietary market data products offered by the Exchanges, which the commenter states are unique to the Exchanges and market participants cannot obtain anywhere else. *Id.*

[46] *See id.* at 4.

[47] *See id.* at 4–5. The commenter asserts that without high speed access provided through 10Gb ULL connections, market makers could be exposed to tremendous risk if their quotes become ''stale'' due to price movements in underlying securities. *See id.* at 4.

[48] *See id.* at 4. The commenter also states that the Exchanges fail to provide any discussion of why their current capacity needs are constrained under the current pricing structure.

[49] *See id.* at 5.

[50] *See id.* The commenter believes that such information is needed to allow commenters to judge whether the allocations are supportable. *Id.* This commenter also believes that the Exchanges' discussion of profit margins are ''high-level and conclusory,'' and fail to provide sufficient detail to understand whether or not the fees are reasonable. *Id.*

[51] *See supra* note 8.

[52] *See* SIFMA Letter, *supra* note 46, at 5–6.

[53] *See* letter from Tyler Gellasch, Executive Director, Healthy Markets Association, to Gary Gensler, Chair, Commission, dated October 29, 2021, at 17. This commenter also petitioned the Commission for rulemaking regarding the process for reviewing self-regulatory organization fee filings.

[54] *See id.* The commenter highlights that the Exchanges' proposals detailed both the projected revenues generated from the proposed fees by user class as well as the percentage of subscribers whose fees increased or decreased as a result of the proposed changes. *See id.*

[55] *See* 17 CFR 240.19b–4 (Item 3 entitled ''Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change'').

''should be sufficiently detailed and specific to support a finding that the proposed rule change is consistent with [those] requirements.'' [56]

Section 6 of the Act, including Sections 6(b)(4), (5), and (8), require the rules of an exchange to (1) provide for the equitable allocation of reasonable fees among members, issuers, and other persons using the exchange's facilities; [57] (2) perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; [58] and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[59]

In temporarily suspending the Exchanges' fee changes, the Commission intends to further consider whether the proposals to modify fees for certain connectivity options and implement a tiered pricing fee structure is consistent with the statutory requirements applicable to a national securities exchange under the Act. In particular, the Commission will consider whether the proposed rule changes satisfy the standards under the Act and the rules thereunder requiring, among other things, that an exchange's rules provide for the equitable allocation of reasonable fees among members, issuers, and other persons using its facilities; not permit unfair discrimination between customers, issuers, brokers or dealers; and do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[60]

Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to temporarily suspend the proposed rule changes.[61]

## IV. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Changes

In addition to temporarily suspending the proposals, the Commission also hereby institutes proceedings pursuant to Sections 19(b)(3)(C) [62] and 19(b)(2)(B) of the Act [63] to determine whether the proposed rule changes should be approved or disapproved. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule changes to inform the Commission's analysis of whether to approve or disapprove the proposed rule changes.

Pursuant to Section 19(b)(2)(B) of the Act,[64] the Commission is providing notice of the grounds for possible disapproval under consideration:

- Whether the Exchanges have demonstrated how the proposals are consistent with Section 6(b)(4) of the Act, which requires that the rules of a national securities exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities;'' [65]
- Whether the Exchanges have demonstrated how the proposals are consistent with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to perfect the operation of a free and open market and a national market system'' and ''protect investors and the public interest,'' and not be ''designed to permit unfair discrimination between customers, issuers, brokers, or dealers;'' [66] and
- Whether the Exchanges have demonstrated how the proposals are consistent with Section 6(b)(8) of the Act, which requires that the rules of a national securities exchange ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act].'' [67]

As discussed in Section III above, the Exchanges makes various arguments in support of the proposals, and the Commission received comment letters disputing the Exchanges' arguments and expressing concerns regarding the proposals.[68] In particular, two commenters argue that the Exchanges did not provide sufficient information to establish that the proposed fees are consistent with the Act and the rules thereunder.[69] The Commission believes that there are questions as to whether the Exchanges have provided sufficient information to demonstrate that the proposed 10Gb ULL connectivity fees are consistent with the Act and the rules thereunder.

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the [SRO] that proposed the rule change.'' [70] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[71] and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.[72]

The Commission is instituting proceedings to allow for additional consideration and comment on the issues raised herein, including as to whether the proposals are consistent with the Act, specifically, with its requirements that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities; are designed to perfect the operation of a free and open market and a national market system, and to protect investors and the public interest; are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act; [73] as well as any other provision of the Act, or the rules and regulations thereunder.

## V. Commission's Solicitation of Comments

The Commission requests written views, data, and arguments with respect

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[56] *Id.*

[57] 15 U.S.C. 78f(b)(4).

[58] 15 U.S.C. 78f(b)(5).

[59] 15 U.S.C. 78f(b)(8).

[60] *See* 15 U.S.C. 78f(b)(4), (5), and (8), respectively.

[61] For purposes of temporarily suspending the proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[62] 15 U.S.C. 78s(b)(3)(C). Once the Commission temporarily suspends a proposed rule change, Section 19(b)(3)(C) of the Act requires that the Commission institute proceedings under Section 19(b)(2)(B) to determine whether a proposed rule change should be approved or disapproved.

[63] 15 U.S.C. 78s(b)(2)(B).

[64] 15 U.S.C. 78s(b)(2)(B). Section 19(b)(2)(B) of the Act also provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or if the exchange consents to the longer period. *See id.*

[65] 15 U.S.C. 78f(b)(4).

[66] 15 U.S.C. 78f(b)(5).

[67] 15 U.S.C. 78f(b)(8).

[68] *See* First SIG Letter and Second SIG Letter, *supra* note 36; SIFMA Letter, *supra* note 46.

[69] *See id.*

[70] 17 CFR 201.700(b)(3).

[71] *See id.*

[72] *See id.*

[73] *See* 15 U.S.C. 78f(b)(4), (5), and (8).

to the concerns identified above as well as any other relevant concerns. Such comments should be submitted by December 20, 2021. Rebuttal comments should be submitted by January 3, 2022. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[74]

The Commission asks that commenters address the sufficiency and merit of the Exchanges' statements in support of the proposals, in addition to any other comments they may wish to submit about the proposed rule changes.

Interested persons are invited to submit written data, views, and arguments concerning the proposed rule changes, including whether the proposals are 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 Nos. SR–MIAX–2021–41 and SR–PEARL–2021–45 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45. These file numbers 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 filings also will be available for inspection and copying at the principal office of each 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 Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45 and should be submitted on or before December 20, 2021. Rebuttal comments should be submitted by January 3, 2022.

## VI. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(3)(C) of the Act,[75] that File Numbers SR–MIAX–2021–41 and SR–PEARL–2021–45 be, and hereby are, temporarily suspended. In addition, the Commission is instituting proceedings to determine whether the proposed rule changes should be approved or disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[76]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25878 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

[74] 15 U.S.C. 78s(b)(2). Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[75] 15 U.S.C. 78s(b)(3)(C).

[76] 17 CFR 200.30–3(a)(57) and (58).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93641; File No. SR–CboeBZX–2021–076]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Interpretation and Policy .01 to Rule 11.13 in Connection With a Risk Setting That Users May Elect To Apply to Their Orders in Hard To Borrow Securities

November 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 8, 2021, Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposal to amend Interpretation and Policy .01 to Rule 11.13 in connection with a risk setting that Users [3] may elect to apply to their orders in hard to borrow 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/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this proposal is to amend Interpretation and Policy .01 to Rule 11.13 to allow the Exchange to offer its Users a hard to borrow risk setting (''Hard to Borrow List'') that Users may elect to apply to their short sale orders in U.S. equity securities. Pursuant to Interpretation and Policy .01 to Rule 11.13, the Exchange currently offers certain optional risk settings applicable to a User's activities on the Exchange. Specifically,

[3] A User is any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.13. *See* Rule 1.5(cc).

Interpretation and Policy .01(d) currently provides Users with controls to restrict the types of securities transacted, including restricted securities and easy to borrow securities, as well as restricting activity to test symbols only. When utilized, these optional risk tools act as a risk filter by evaluating a User's orders to determine whether the orders comply with certain criteria established by the User.[4]

The Exchange now proposes to amend Interpretation and Policy .01(d) to Exchange Rule 11.13, to also include a Hard to Borrow List. Like the existing risk settings, the proposed rule change offers Users an optional tool to evaluate whether their orders comply with User established criteria. Specifically, orders submitted in securities included on a User's Hard to Borrow List will be rejected back to the User.

The Hard to Borrow List resides at a User's port level, a User-specific logical session used to access the Exchange. Users may upload a Hard to Borrow List to their preferred port(s) via a web-based application programming interface. When uploaded to the port, Users may apply the setting to some or all of the market-participant identifiers (MPID) that they use to access the Exchange via the specified port. As is the case with the Exchange's existing risk settings, the User, and not the Exchange, will have the full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations, and may not rely on the Hard to Borrow List for any such purpose.[5] Furthermore, use of the Hard to Borrow List does not automatically constitute compliance with Exchange Rules. As is the case with the Exchange's existing risk settings, the Exchange does not believe that the use of the Hard to Borrow List can replace User-managed risk management solutions.

The Exchange proposes to make the risk setting available to its Users upon request and will not require Users to utilize the Hard to Borrow List. The Exchange will not provide preferential treatment to Users using the Hard to Borrow List. However, the Exchange believes the Hard to Borrow List will offer Exchange Users another option in efficient risk management of its access to the Exchange. For instance, the Hard to Borrow List may assist some Users in managing borrowing costs for their short sale transactions. Generally, day over day borrowing costs in hard to borrow securities may be costly, and while a locate may be secured by a User prior to routing their short sale transactions to the Exchange, borrowing costs may make such transactions less desirable. By utilizing the Hard to Borrow List, Users have a tool that enables them to manage their costs by rejecting orders in such securities.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with these principles because, like the current risk settings, the Hard to Borrow List fosters competition by providing another option in the efficient risk management of trading on the Exchange. Users are free to use the Exchange's Hard to Borrow List, or other risk management offerings.

Moreover, as noted by the Commission, even when shares can be borrowed short sellers may find it costly to borrow stock to enter or maintain a short position.[8] In this regard, the Hard to Borrow List provides Users with a tool to help manage such costs by rejecting orders in hard to borrow securities and thus providing a mechanism of financial protection to Exchange Users.

The proposed rule change also is designed to support the principles of Section 11A(a)(1)[9] in that it seeks to assure economically efficient execution of securities transactions, makes it practicable for brokers to execute investors' orders in the best market, and provides an opportunity for investors' orders to be executed without the participation of a dealer. Additionally, the rule proposal is consistent with Section 11(a)(1)[10] in that makes the Hard to Borrow List available to all Users, regardless of their size.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change is not designed to address any competitive issues and does not pose an undue burden on Users, as the Hard to Borrow List is an optional risk setting offered to all Users.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposal. 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–CboeBZX–2021–076 on the subject line.

[4] *See* Securities Exchange Act Release No. 60236 (July 2, 2009) 74 FR 34068 (July 14, 2009) (SR–BATS–2009–019) (notice of filing and immediate effectiveness of proposed rule change to establish a Sponsored Access Risk Management Tool). *See also* Securities Exchange Act Release No. 34–68330 (November 30, 2012) 77 FR 72894 (December 6, 2012 (SR–BATS–2012–045).

[5] *See* Securities and Exchange Commission Release No. 34–50103 (July 28, 2004) 69 FR 48007 (August 6, 2004) (Final Rule: Short Sales) at 48014, regarding hard to borrow lists and the locate requirements under 17 CFR 242.203 (Regulation SHO Rule 203—Borrowing and delivery requirements).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Staff of the U.S. Securities and Exchange Commission, *Staff Report on Equity And Options Market Structure Conditions in Early 2021,* (October 14, 2021) at 30, footnote 84.

[9] 15 U.S.C. 78k–1(a)(1).

[10] *Id.*

*Paper Comments*

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2021–076 and should be submitted on or before December 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25880 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

[11] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93642; File No. SR–CboeEDGA–2021–024]**

## Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Interpretation and Policy .01 to Rule 11.10 in Connection With a Risk Setting That Users May Elect To Apply to Their Orders in Hard To Borrow Securities

November 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 18, 2021, Cboe EDGA Exchange, Inc. filed with the Securities and Exchange 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 EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposal to amend Interpretation and Policy .01 to Rule 11.10 in connection with a risk setting that Users [3] may elect to apply to their orders in hard to borrow 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/edga/*), 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 proposal is to amend Interpretation and Policy .01 to Rule 11.10 to allow the Exchange to offer its Users a hard to borrow risk setting (''Hard to Borrow List'') that Users may elect to apply to their short sale orders in U.S. equity securities. Pursuant to Interpretation and Policy .01 to Rule 11.10, the Exchange currently offers certain optional risk settings applicable to a User's activities on the Exchange. Specifically, Interpretation and Policy .01(d) currently provides Users with controls to restrict the types of securities transacted, including restricted securities and easy to borrow securities, as well as restricting activity to test symbols only. When utilized, these optional risk tools act as a risk filter by evaluating a User's orders to determine whether the orders comply with certain criteria established by the User.[4]

The Exchange now proposes to amend Interpretation and Policy .01(d) to Exchange Rule 11.10, to also include a Hard to Borrow List. Like the existing risk settings, the proposed rule change offers Users an optional tool to evaluate whether their orders comply with User established criteria. Specifically, orders submitted in securities included on a User's Hard to Borrow List will be rejected back to the User.

The Hard to Borrow List resides at a User's port level, a User-specific logical session used to access the Exchange. Users may upload a Hard to Borrow List to their preferred port(s) via a web-based application programming interface. When uploaded to the port, Users may apply the setting to some or all of the market-participant identifiers (MPID) that they use to access the Exchange via the specified port. As is the case with the Exchange's existing risk settings, the User, and not the Exchange, will have the full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations, and may not rely on the Hard to Borrow List for any such purpose.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A User is any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.10. *See* Rule 1.5(ee).

[4] *See* Securities Exchange Act Release No. 34–88727 (April 22, 2020) 85 FR 23560 (April 28, 2020) (SR–CboeEDGA–2020–12).[sic]

[5] *See* Securities and Exchange Commission Release No. 34–50103 (July 28 2004) 69 FR 48007 (August 6, 2004) (Final Rule: Short Sales) at 48014,

Continued

Furthermore, use of the Hard to Borrow List does not automatically constitute compliance with Exchange Rules. As is the case with the Exchange's existing risk settings, the Exchange does not believe that the use of the Hard to Borrow List can replace User-managed risk management solutions.

The Exchange proposes to make the risk setting available to its Users upon request and will not require Users to utilize the Hard to Borrow List. The Exchange will not provide preferential treatment to Users using the Hard to Borrow List. However, the Exchange believes the Hard to Borrow List will offer Exchange Users another option in efficient risk management of its access to the Exchange. For instance, the Hard to Borrow List may assist some Users in managing borrowing costs for their short sale transactions. Generally, day over day borrowing costs in hard to borrow securities may be costly, and while a locate may be secured by a User prior to routing their short sale transactions to the Exchange, borrowing costs may make such transactions less desirable. By utilizing the Hard to Borrow List, Users have a tool that enables them to manage their costs by rejecting orders in such securities.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with these principles because, like the current risk settings, the Hard to Borrow List fosters competition by providing another option in the efficient risk management of trading on the Exchange. Users are free to use the Exchange's Hard to Borrow List, or other risk management offerings.

Moreover, as noted by the Commission, even when shares can be borrowed short sellers may find it costly to borrow stock to enter or maintain a short position.[8] In this regard, the Hard to Borrow List provides Users with a tool to help manage such costs by rejecting orders in hard to borrow securities and thus providing a mechanism of financial protection to Exchange Users.

The proposed rule change also is designed to support the principles of Section 11A(a)(1)[9] in that it seeks to assure economically efficient execution of securities transactions, makes it practicable for brokers to execute investors' orders in the best market, and provides an opportunity for investors' orders to be executed without the participation of a dealer. Additionally, the rule proposal is consistent with Section 11(a)(1)[10] in that makes the Hard to Borrow List available to all Users, regardless of their size.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change is not designed to address any competitive issues and does not pose an undue burden on Users, as the Hard to Borrow List is an optional risk setting offered to all Users.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposal. 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–CboeEDGA–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–CboeEDGA–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–CboeEDGA–2021–024 and should be submitted on or before December 20, 2021.

regarding hard to borrow lists and the locate requirements under 17 CFR 242.203 (Regulation SHO Rule 203—Borrowing and delivery requirements).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Staff of the U.S. Securities and Exchange Commission, *Staff Report on Equity And Options Market Structure Conditions in Early 2021,* (October 14, 2021) at 30, footnote 84.

[9] 15 U.S.C. 78k–1(a)(1).

[10] *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25881 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93638; File No. SR–CboeBYX–2021–027]**

## Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Interpretation and Policy .01 to Rule 11.13 in Connection With a Risk Setting That Users May Elect To Apply to Their Orders in Hard To Borrow Securities

November 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 8, 2021, Cboe BYX Exchange, Inc. filed with the Securities and Exchange 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 proposal to amend Interpretation and Policy .01 to Rule 11.13 in connection with a risk setting that Users [3] may elect to apply to their orders in hard to borrow 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 proposal is to amend Interpretation and Policy .01 to Rule 11.13 to allow the Exchange to offer its Users a hard to borrow risk setting (''Hard to Borrow List'') that Users may elect to apply to their short sale orders in U.S. equity securities. Pursuant to Interpretation and Policy .01 to Rule 11.13, the Exchange currently offers certain optional risk settings applicable to a User's activities on the Exchange. Specifically, Interpretation and Policy .01(d) currently provides Users with controls to restrict the types of securities transacted, including restricted securities and easy to borrow securities, as well as restricting activity to test symbols only. When utilized, these optional risk tools act as a risk filter by evaluating a User's orders to determine whether the orders comply with certain criteria established by the User.[4]

The Exchange now proposes to amend Interpretation and Policy .01(d) to Exchange Rule 11.13, to also include a Hard to Borrow List. Like the existing risk settings, the proposed rule change offers Users an optional tool to evaluate whether their orders comply with User established criteria. Specifically, orders submitted in securities included on a User's Hard to Borrow List will be rejected back to the User.

The Hard to Borrow List resides at a User's port level, a User-specific logical session used to access the Exchange. Users may upload a Hard to Borrow List to their preferred port(s) via a web-based application programming interface. When uploaded to the port, Users may apply the setting to some or all of the market-participant identifiers (MPID) that they use to access the Exchange via the specified port. As is the case with the Exchange's existing risk settings, the User, and not the Exchange, will have the full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations, and may not rely on the Hard to Borrow List for any such purpose.[5] Furthermore, use of the Hard to Borrow List does not automatically constitute compliance with Exchange Rules. As is the case with the Exchange's existing risk settings, the Exchange does not believe that the use of the Hard to Borrow List can replace User-managed risk management solutions.

The Exchange proposes to make the risk setting available to its Users upon request and will not require Users to utilize the Hard to Borrow List. The Exchange will not provide preferential treatment to Users using the Hard to Borrow List. However, the Exchange believes the Hard to Borrow List will offer Exchange Users another option in efficient risk management of its access to the Exchange. For instance, the Hard to Borrow List may assist some Users in managing borrowing costs for their short sale transactions. Generally, day over day borrowing costs in hard to borrow securities may be costly, and while a locate may be secured by a User prior to routing their short sale transactions to the Exchange, borrowing costs may make such transactions less desirable. By utilizing the Hard to Borrow List, Users have a tool that enables them to manage their costs by rejecting orders in such securities.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A User is any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.13. *See* Rule 1.5(cc).

[4] *See* Securities Exchange Act Release No. 60236 (July 2, 2009) 74 FR 34068 (July 14, 2009) (SR–BATS–2009–019) (notice of filing and immediate effectiveness of proposed rule change to establish a Sponsored Access Risk Management Tool). *See also* Securities Exchange Act Release No. 34–68330 (November 30, 2012) 77 FR 72894 (December 6, 2012) (SR–BATS–2012–045).

[5] *See* Securities and Exchange Commission Release No. 34–50103 (July 28, 2004) 69 FR 48007 (August 6, 2004) (Final Rule: Short Sales) at 48014, regarding hard to borrow lists and the locate requirements under 17 CFR 242.203 (Regulation SHO Rule 203—Borrowing and delivery requirements).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with these principles because, like the current risk settings, the Hard to Borrow List fosters competition by providing another option in the efficient risk management of trading on the Exchange. Users are free to use the Exchange's Hard to Borrow List, or other risk management offerings.

Moreover, as noted by the Commission, even when shares can be borrowed short sellers may find it costly to borrow stock to enter or maintain a short position.[8] In this regard, the Hard to Borrow List provides Users with a tool to help manage such costs by rejecting orders in hard to borrow securities and thus providing a mechanism of financial protection to Exchange Users.

The proposed rule change also is designed to support the principles of Section 11A(a)(1)[9] in that it seeks to assure economically efficient execution of securities transactions, makes it practicable for brokers to execute investors' orders in the best market, and provides an opportunity for investors' orders to be executed without the participation of a dealer. Additionally, the rule proposal is consistent with Section 11(a)(1)[10] in that makes the Hard to Borrow List available to all Users, regardless of their size.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change is not designed to address any competitive issues and does not pose an undue burden on Users, as the Hard to Borrow List is an optional risk setting offered to all Users.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposal. No written comments were solicited or received on the proposed rule change.

[8] *See* Staff of the U.S. Securities and Exchange Commission, *Staff Report on Equity And Options Market Structure Conditions in Early 2021,* (October 14, 2021) at 30, footnote 84.

[9] 15 U.S.C. 78k–1(a)(1).

[10] *Id.*

**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–2021–027 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–2021–027. 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–2021–027 and should be submitted on or before December 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25877 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Investment Company Act Release No. 34422; File No. 812–15222]**

## Bain Capital Specialty Finance, Inc., et al.

November 22, 2021.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit business development companies (''BDCs'') to co-invest in portfolio companies with each other and with certain affiliated investment funds and accounts.

**APPLICANTS:** Bain Capital Specialty Finance, Inc. (''BCSF''); BCSF Advisors, LP (''BCSFA''), on behalf of itself and its successors; [1] Bain Capital Credit (Asia), Limited, Bain Capital Credit (Australia) Pty. Ltd, Bain Capital Credit CLO Advisors, LP, Bain Capital Credit, LP (''Bain''), Bain Capital Credit, Ltd., Bain Capital Investments (Europe) Limited, Bain Capital Investments (Ireland) Limited (together with BCSFA, the ''Existing Bain Advisers''), on behalf of themselves and their successors; Avery

[11] 17 CFR 200.30–3(a)(12).

[1] The term ''successor,'' as applied to each Adviser (defined below), means an entity that results from a reorganization into another jurisdiction or change in the type of business organization.

Point III CLO, Limited, Avery Point IV CLO, Limited, Avery Point V CLO, Limited, Avery Point VI CLO, Limited, Avery Point VII CLO, Limited, Bain Capital COPS CV Holdings, L.P., Bain Capital COPS II Continuation Vehicle, L.P., Bain Capital COPS III Continuation Vehicle, L.P., Bain Capital Credit Asian Opportunities, L.P., Bain Capital Credit CLO 2016–2, Limited, Bain Capital Credit CLO 2017–1, Limited, Bain Capital Credit CLO 2017–2, Limited, Bain Capital Credit CLO 2018–1, Limited, Bain Capital Credit CLO 2018–2, Limited, Bain Capital Credit CLO 2019–1, Limited, Bain Capital Credit CLO 2019–2, Limited, Bain Capital Credit CLO 2019–3, Limited, Bain Capital Credit CLO 2019–4, Limited, Bain Capital Credit CLO 2020–1, Limited, Bain Capital Credit CLO 2020–2, Limited, Bain Capital Credit CLO 2020–3, Limited, Bain Capital Credit CLO 2020–4, Limited, Bain Capital Credit CLO 2020–5, Limited, Bain Capital Credit CLO 2021–1, Limited, Bain Capital Credit Dislocation Fund (B), L.P., Bain Capital Credit Managed Account (BC), L.P., Bain Capital Credit Managed Account (Blanco), L.P., Bain Capital Credit Managed Account (CalPERS), L.P., Bain Capital Credit Managed Account (CLO), L.P., Bain Capital Credit Managed Account (DERP), L.P., Bain Capital Credit Managed Account (E), L.P., Bain Capital Credit Managed Account (FSS), L.P., Bain Capital Credit Managed Account (G), SCSp, Bain Capital Credit Managed Account (Iditarod), L.P., Bain Capital Credit Managed Account (L), L.P., Bain Capital Credit Managed Account (NZSF), L.P., Bain Capital Credit Managed Account (Pegasus), L.P., Bain Capital Credit Managed Account (PPF), L.P., Bain Capital Credit Managed Account (PSERS), L.P., Bain Capital Credit Managed Account (Q), L.P., Bain Capital Credit Managed Account (Re Special Situations), L.P., Bain Capital Credit Managed Account (TCCC), L.P., Bain Capital Credit Managed Account (UCAL), L.P., Bain Capital Credit Managed Account (VFMC), L.P., Bain Capital Credit Rio Grande FMC, L.P., Bain Capital Direct Lending 2015 (L), L.P., Bain Capital Direct Lending 2015 (U), L.P., Bain Capital Distressed and Special Situations 2013 (A), L.P., Bain Capital Distressed and Special Situations 2013 (A2 Master), L.P., Bain Capital Distressed and Special Situations 2013 (AIV I), L.P., Bain Capital Distressed and Special Situations 2013 (AIV II Master), L.P., Bain Capital Distressed and Special Situations 2013 (B), L.P., Bain Capital Distressed and Special Situations 2013 (D), L.P., Bain Capital Distressed and Special Situations 2013 (E Master), L.P., Bain Capital Distressed and Special Situations 2013 (E2 Master), L.P., Bain Capital Distressed and Special Situations 2016 (A), L.P., Bain Capital Distressed and Special Situations 2016 (B Master), L.P., Bain Capital Distressed and Special Situations 2016 (EU Master), L.P., Bain Capital Distressed and Special Situations 2016 (F), L.P., Bain Capital Distressed and Special Situations 2016 (F–EU), L.P., Bain Capital Distressed and Special Situations 2016 (G), L.P., Bain Capital Distressed and Special Situations 2019 ICAV, Bain Capital Distressed and Special Situations 2019 (A), L.P., Bain Capital Distressed and Special Situations 2019 (B Master), L.P., Bain Capital Distressed and Special Situations 2019 (F), L.P., Bain Capital Euro CLO 2017–1 Designated Activity Company, Bain Capital Euro CLO 2018–1 Designated Activity Company, Bain Capital Euro CLO 2018–2 Designated Activity Company, Bain Capital Euro CLO 2019–1 Designated Activity Company, Bain Capital Euro CLO 2020–1 Designated Activity Company, Bain Capital Global Direct Lending 2021 (L Master), L.P., Bain Capital Global Direct Lending 2021 (U Master), SCSp, Bain Capital High Income Partnership, L.P., Bain Capital I ICAV—Global Loan Fund, Bain Capital Middle Market Credit 2010 (Offshore II Master), L.P., Bain Capital Middle Market Credit 2010 (Offshore Master), L.P., Bain Capital Middle Market Credit 2010, L.P., Bain Capital Middle Market Credit 2014 (A Master), L.P., Bain Capital Middle Market Credit 2014 (F), L.P., Bain Capital Middle Market Credit 2014, L.P., Bain Capital Middle Market Credit 2018 (A), L.P., Bain Capital Middle Market Credit 2018 (B Master), L.P., Bain Capital Middle Market Credit 2018 (F), L.P., Bain Capital Senior Loan Fund (SRI), L.P., Bain Capital Senior Loan Fund, L.P., Bain Capital Special Situations Asia II, L.P., Bain Capital Special Situations Asia, L.P., Bain Capital Special Situations Europe ICAV, Bain Capital Structured Credit Fund, L.P., Bain Capital Total Return Credit, L.P., Barnstable Ltd., BCIS Fund (LV), LP, Cape Schanck Direct Lending Trust, Centerville Ltd., Sankaty CLO Opportunities Coinvestment Fund, L.P., Cmac Fund 1, L.P., Holly Issuer Designated Activity Company, Newhaven CLO, Designated Activity Company, Newhaven II CLO, Designated Activity Company, Prospect Harbor Designated Investments, L.P., QCT, Queenscliff Trust, Race Point IX CLO, Limited, Race Point VIII CLO, Ltd., Race Point X CLO, Limited, Rye Harbour CLO, Designated Activity Company, Sankaty Beacon Investment Partners, L.P., Sankaty Credit Opportunities (Offshore Master) IV, L.P., Sankaty Credit Opportunities Grantor Trust, Sankaty Credit Opportunities II Grantor Trust, Sankaty Credit Opportunities III Grantor Trust, Sankaty Credit Opportunities IV, L.P., Sorrento Trust (collectively, the ''Existing Affiliated Funds'').

**FILING DATES:** The application was filed on April 23, 2021, and amended on July 30, 2021 and November 9, 2021.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on December 17, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov.* Applicants: *richard.horowitz@dechert.com.*

**FOR FURTHER INFORMATION CONTACT:** Joseph Toner at (202) 551–7595 or Marc Mehrespand at (202) 551–6825 (Chief Counsel's Office, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

**Applicants' Representations**

1. BCSF is a Delaware corporation organized as a closed-end management investment company that has elected to be regulated as a BDC under Section 54(a) of the Act.[2] BCSF's Objectives and

[2] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial

Continued

Strategies [3] are to provide risk-adjusted returns and current income to investors. BCSF invests primarily in middle-market companies with between $10 million and $150 million in annual earnings before interest, taxes, depreciation and amortization. BCSF intends to focus on senior investments with a first or second lien on collateral and strong structures and documentation intended to protect the lender.

2. GIACF is a Delaware statutory trust organized as a closed-end investment management company that has elected to operate as an interval fund pursuant to Rule 23c–3 under the Act. GIACF's Objectives and Strategies are to generate a return comprised of both current income and capital appreciation with an emphasis on current income with low volatility and low correlation to the broader markets. GIACF pursues its investment objective by investing primarily in secured debt (including senior secured, unitranche and second lien debt) and unsecured debt (including senior unsecured and subordinated debt) issued by private or public U.S. companies. GIACF's portfolio will consist of a core of syndicated high yield bonds and bank loans.

3. The board of directors of BCSF is comprised of seven directors, five of whom are not ''interested persons,'' within the meaning of Section 2(a)(19) of the Act (the ''Non-Interested Directors'') [4] and the board of trustees of GIACF (together with the board of directors of BCSF, the ''Board'') [5] is comprised of five trustees, three of whom are Non-Interested Directors.

4. BCSFA is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). BCSFA serves as investment adviser to BCSF and sub-adviser to GIACF. It is a wholly-owned subsidiary of Bain.

5. Griffin is registered an investment adviser under the Advisers Act. Griffin serves as investment adviser to GIACF. Griffin is an indirect majority-owned subsidiary of Griffin Capital Company, LLC.

6. Bain is registered as an investment adviser under the Advisers Act. Bain serves as investment adviser to certain Existing Affiliated Funds and either it or another Bain Adviser will serve as the investment adviser to any Future Affiliated Funds (defined below).

7. Bain Capital Credit (Australia), Pty. Ltd., an Australian proprietary company formed in 2012, is authorized and regulated by the Australian Securities and Investments Commission. It is a wholly-owned subsidiary of Bain.

8. Bain Capital Investments (Europe), Limited, a United Kingdom private limited company formed in 2014, and Bain Capital Credit, Ltd., a United Kingdom private limited company formed in 2005, are authorized and regulated by the U.K. Financial Conduct Authority. Bain Capital Investments (Europe) Limited is a subsidiary of Bain Capital, LP. Bain Capital Credit, Ltd. is a wholly-owned subsidiary of Bain.

9. Bain Capital Investments (Ireland), Limited is based in Dublin and provides consulting advice to BCSFA and its subsidiaries. It is a wholly-owned subsidiary of Bain.

10. Bain Capital Credit (Asia), Limited is registered with the Securities & Futures Commission in Hong Kong and provides consulting services to BCSFA and its subsidiaries. It is a wholly-owned subsidiary of Bain.

11. Bain Capital Credit CLO Advisors, LP is a limited partnership organized in the State of Delaware and is registered with the Commission under the Advisers Act. It is a wholly-owned subsidiary of Bain.

12. Bain Capital Credit Managed Account (Pegasus), L.P. and Bain Capital Credit Managed Account (Iditarod), L.P. are existing Bain Proprietary Accounts (defined below), and are Delaware limited partnerships that are indirect wholly-owned subsidiaries of Bain. The Bain Proprietary Accounts will hold various financial assets in a principal capacity. Bain Proprietary Accounts may operate through wholly- or majority-owned subsidiaries. Any Bain Proprietary Accounts are entities or accounts that are controlling, controlled by, or under common control with a Bain Adviser.

13. Applicants state that the Bain Advisers and the Griffin Advisers are not affiliated persons, or affiliated persons of affiliated persons (as defined in the Act), except for the affiliation that arises as a result of serving as the advisers of any Regulated Fund that is advised by a Griffin Adviser and sub-advised by a Bain Adviser.

14. As Bain Capital, LP controls Bain, and will control any other Bain Adviser, it may be deemed to control the Regulated Funds and the Affiliated Funds. Applicants state that Bain Capital, LP is a holding company and does not currently offer investment advisory services to any person and is not expected to do so in the future. Applicants state that as a result, Bain Capital, LP has not been included as an Applicant.

15. Applicants seek an order (''Order'') to permit a Regulated Fund [6] and one or more Regulated Funds and/or one or more Affiliated Funds [7] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser [8] negotiates terms in addition to price; [9] and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (''Follow-On Investments''). ''Co-Investment Transaction'' means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined

assistance with respect to the issuers of such securities.

[3] ''Objectives and Strategies'' means a Regulated Fund's investment objectives and strategies, as described in the Regulated Fund's registration statement on Form 10, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the ''Securities Act''), or under the Securities Exchange Act of 1934 and the Regulated Fund's reports to shareholders.

[4] The term ''Non-Interested Directors'' refers to the directors or trustees of any Regulated Fund who are not interested persons within the meaning of Section 2(a)(19) of the Act.

[5] The term ''Board'' refers to the board of directors or trustees of any Regulated Fund.

[6] ''Regulated Fund'' means Existing Regulated Funds and any Future Regulated Fund. ''Future Regulated Fund'' means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b)(i) whose investment adviser (and sub-adviser(s), if any) is a Bain Adviser or (ii) whose investment adviser is a Griffin Adviser and whose sub-adviser is a Bain Adviser, and (c) that intends to participate in the Co-Investment Program.

The term ''Adviser'' means any Bain Adviser or Griffin Adviser. The term ''Bain Adviser'' means any Existing Bain Adviser and any future investment adviser that (i) controls, is controlled by or is under common control with Bain Capital, LP, and (ii) is registered as an investment adviser under the Advisers Act and (iii) is not a Regulated Fund or a subsidiary of a Regulated Fund.

[7] ''Affiliated Fund'' means the Existing Affiliated Funds, any Future Affiliated Fund or any Bain Proprietary Account. ''Future Affiliated Fund'' means any entity (a) whose investment adviser (and sub-adviser(s), if any) is a Bain Adviser, (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program. ''Bain Proprietary Account'' means any account of a Bain Adviser or its affiliates or any company that is a direct or indirect, wholly- or majority-owned subsidiary of the Bain Adviser or its affiliates, which, from time to time, may hold various financial assets in a principal capacity.

[8] The term ''Adviser'' means any Bain Adviser or Griffin Adviser.

[9] The term ''private placement transactions'' means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act.

below) participated together with one or more other Regulated Funds and/or one or more Affiliated Funds in reliance on the requested Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) could not participate together with one or more Affiliated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.[10] The Order sought by this application will supersede the Prior Order,[11] dated March 22, 2018, with the result that no person will continue to rely on the Prior Order.

16. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.[12] Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the requested Order, as though the parent Regulated Fund were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Fund's investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Sub. The Regulated Fund's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Regulated Fund's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Fund's place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Sub.

17. Applicants note that Griffin is responsible for the overall management of GIACF's activities, and BCSFA is responsible for the day-to-day management of GIACF's investment portfolio, in each case consistent with their fiduciary duties. A Griffin Adviser will serve as the investment adviser to any Regulated Fund with a Bain Adviser as its sub-adviser. In the case of a Regulated Fund with a Bain Adviser as sub-adviser, the Bain Adviser will identify and recommend the Potential Co-Investment Transactions for the Regulated Fund, and the applicable sub-advisory agreement will require the Bain Adviser to present such Potential Co-Investment Transaction to the applicable Griffin Adviser, which will have the authority to approve or reject it for the Regulated Fund.

18. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. The Regulated Fund Advisers expect that any portfolio company that is an appropriate investment for a Regulated Fund should also be an appropriate investment for one or more other Regulated Funds and/or one or more Affiliated Funds, with certain exceptions based on available capital or diversification.[13]

19. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Advisers will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (''Eligible Directors''), and the ''required majority,'' as defined in section 57(o) of the Act (''Required Majority'')[14] will approve each Co-Investment Transaction prior to any investment by the participating Regulated Fund.

20. Applicants state that a Bain Adviser has an investment committee through which it will carry out its obligation under condition 1 to make a determination as to the appropriateness of the Potential Co-Investment Transaction for any Regulated Fund. Applicants represent that in the case of a Potential Co-Investment Transaction, the Bain Adviser would apply its allocation policies and procedures in determining the proposed allocation for the Regulated Fund consistent with the requirements of condition 2(a). Applicants further note that each Griffin Adviser and Bain Adviser has adopted its own allocation policies and procedures that take into account the allocation policies and procedures for the Regulated Funds. Applicants believe that while each Bain Adviser client may not participate in each investment opportunity, over time each Bain Adviser client would participate in investment opportunities fairly and equitably.

21. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund's Eligible Directors. The Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

22. No Non-Interested Director of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than through share

[10] All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[11] Bain Capital Specialty Finance, Inc., *et al.* (File No. 812–14766) Investment Company Act Release No. 33031 (Feb. 23, 2018) (notice) and 33051 (Mar. 22, 2018) (order). Certain of the applicants to the Prior Order have been named as Applicants to the Order.

[12] The term ''Wholly-Owned Investment Sub'' means an entity (i) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund; (iii) with respect to which the Regulated Fund's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions of the Application; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

[13] The Regulated Funds, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

[14] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to Section 57(o).

ownership in one of the Regulated Funds.

**Applicants' Legal Analysis**

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Affiliated Funds be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. In addition, section 57(b) applies to any investment adviser to a Regulated Fund that is a BDC and to any section 2(a)(3)(C) affiliates of the investment adviser, including GIACF and the Affiliated Funds (including the Bain Proprietary Accounts). Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d-1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d-1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d-1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

4. Applicants also represent that if the Advisers, certain employees and principals of Bain and its affiliated advisers (collectively, the ''Principals''), any person controlling, controlled by, or under common control with the Advisers or the Principals, and the Affiliated Funds (collectively, the ''Holders'') own in the aggregate more than 25 percent of the outstanding voting securities of a Regulated Fund (''Shares''), then the Holders will vote such Shares as required under Condition 14. Applicants believe that this condition will ensure that the Non-Interested Directors will act independently in evaluating the Co-Investment Program, because the ability of the Advisers or the Principals to influence the Non-Interested Directors by a suggestion, explicit or implied, that the Non-Interested Directors can be removed will be limited significantly.

**Applicants' Conditions**

Applicants agree that the Order will be subject to the following conditions:

1. Each time a Bain Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, each Adviser to a Regulated Fund will make an independent determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If each Adviser to a Regulated Fund deems the Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, the Adviser (or Advisers if there are more than one) will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Adviser (or Advisers if there are more than one) to a Regulated Fund to be invested by the Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount of the investment opportunity will be allocated among the Regulated Funds and Affiliated Funds pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The Adviser (or Advisers if there are more than one) to a Regulated Fund will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's available capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a)above, the Adviser to the Regulated Fund (or Advisers if there are more than one) will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Fund) to the Eligible Directors for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Funds only if, prior to the Regulated Funds' and Affiliated Funds' participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) the terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) the interests of the Regulated Fund's shareholders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Funds would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of any other Regulated Fund or Affiliated Fund; provided that, if any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition 2(c)(iii), if:

(A) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the Adviser to the Regulated Fund (or Advisers if there are more than one) agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Fund or any Regulated Fund or any affiliated person of any Affiliated Fund or any Regulated Fund receives in connection with the right of an Affiliated Fund or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Adviser to the Regulated Fund (or Advisers if there are more than one), the Affiliated Funds or the other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by sections 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Adviser to the Regulated Fund (or Advisers if there are more than one) will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8,[15] a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Affiliated Fund, or any affiliated person of another Regulated Fund or an Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Fund. The grant to an Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired by one or more Regulated Funds and/or Affiliated Funds in a Co-Investment Transaction, the applicable Adviser(s) [16] will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by the Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Funds and any other Regulated Fund.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser to the Regulated Fund (or Advisers if there are more than one) will provide their written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Fund or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired by the Regulated Fund and the Affiliated Fund in a Co-Investment Transaction, the applicable Adviser(s) will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser to the Regulated Fund (or Advisers if there are more than one) will provide their written recommendation as to such Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that the Required Majority determines that it is in such Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

[15] This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

[16] Any Bain Proprietary Account that is not advised by a Bain Adviser is itself deemed to be an Adviser for purposes of Conditions 7(a)(i) and 8(a)(i).

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Adviser (or Advisers if there are more than one) to a Regulated Fund to be invested by the Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the other participating Regulated Funds and the Affiliated Funds in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that a Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for such Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act), of any Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the applicable Adviser(s) under their respective investment advisory agreements with the Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee [17] (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable) received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Funds, the applicable Adviser(s), the other Regulated Funds or any affiliated person of the Regulated Funds or Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of the Advisers, investment advisory fees paid in accordance with the Regulated Funds' and the Affiliated Funds' investment advisory agreements).

14. If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares in the same percentages as the Regulated Fund's other shareholders (not including the Holders) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in rule 38a-1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

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**BILLING CODE 8011–01–P**

[17] Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93643; File No. SR–CboeEDGX–2021–048]**

## Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Interpretation and Policy .01 to Rule 11.10 in Connection With a Risk Setting That Users May Elect To Apply to Their Orders in Hard To Borrow Securities

November 22, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 18, 2021, Cboe EDGX Exchange, Inc. filed with the Securities and Exchange 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 EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposal to amend Interpretation and Policy .01 to Rule 11.10 in connection with a risk setting that Users [3] may elect to apply to their orders in hard to borrow securities.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A User is any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.10. *See* Rule 1.5(ee).

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/options/regulation/rule_filings/edgx/*), 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 proposal is to amend Interpretation and Policy .01 to Rule 11.10 to allow the Exchange to offer its Users a hard to borrow risk setting (''Hard to Borrow List'') that Users may elect to apply to their short sale orders in U.S. equity securities. Pursuant to Interpretation and Policy .01 to Rule 11.10, the Exchange currently offers certain optional risk settings applicable to a User's activities on the Exchange. Specifically, Interpretation and Policy .01(d) currently provides Users with controls to restrict the types of securities transacted, including restricted securities and easy to borrow securities, as well as restricting activity to test symbols only. When utilized, these optional risk tools act as a risk filter by evaluating a User's orders to determine whether the orders comply with certain criteria established by the User.[4]

The Exchange now proposes to amend Interpretation and Policy .01(d) to Exchange Rule 11.10, to also include a Hard to Borrow List. Like the existing risk settings, the proposed rule change offers Users an optional tool to evaluate whether their orders comply with User established criteria. Specifically, orders submitted in securities included on a User's Hard to Borrow List will be rejected back to the User.

The Hard to Borrow List resides at a User's port level, a User-specific logical session used to access the Exchange. Users may upload a Hard to Borrow List to their preferred port(s) via a web-based application programming interface. When uploaded to the port, Users may apply the setting to some or all of the market-participant identifiers (MPID) that they use to access the Exchange via the specified port. As is the case with the Exchange's existing risk settings, the User, and not the Exchange, will have the full responsibility for ensuring that their orders comply with applicable securities rules, laws, and regulations, and may not rely on the Hard to Borrow List for any such purpose.[5] Furthermore, use of the Hard to Borrow List does not automatically constitute compliance with Exchange Rules. As is the case with the Exchange's existing risk settings, the Exchange does not believe that the use of the Hard to Borrow List can replace User-managed risk management solutions.

The Exchange proposes to make the risk setting available to its Users upon request and will not require Users to utilize the Hard to Borrow List. The Exchange will not provide preferential treatment to Users using the Hard to Borrow List. However, the Exchange believes the Hard to Borrow List will offer Exchange Users another option in efficient risk management of its access to the Exchange. For instance, the Hard to Borrow List may assist some Users in managing borrowing costs for their short sale transactions. Generally, day over day borrowing costs in hard to borrow securities may be costly, and while a locate may be secured by a User prior to routing their short sale transactions to the Exchange, borrowing costs may make such transactions less desirable. By utilizing the Hard to Borrow List, Users have a tool that enables them to manage their costs by rejecting orders in such securities.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[6] in general, and Section 6(b)(5) of the Act,[7] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change is consistent with these principles because, like the current risk settings, the Hard to Borrow List fosters competition by providing another option in the efficient risk management of trading on the Exchange. Users are free to use the Exchange's Hard to Borrow List, or other risk management offerings.

Moreover, as noted by the Commission, even when shares can be borrowed short sellers may find it costly to borrow stock to enter or maintain a short position.[8] In this regard, the Hard to Borrow List provides Users with a tool to help manage such costs by rejecting orders in hard to borrow securities and thus providing a mechanism of financial protection to Exchange Users.

The proposed rule change also is designed to support the principles of Section 11A(a)(1)[9] in that it seeks to assure economically efficient execution of securities transactions, makes it practicable for brokers to execute investors' orders in the best market, and provides an opportunity for investors' orders to be executed without the participation of a dealer. Additionally, the rule proposal is consistent with Section 11(a)(1)[10] in that makes the Hard to Borrow List available to all Users, regardless of their size.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change is not designed to address any competitive issues and does not pose an undue burden on Users, as the Hard to Borrow List is an optional risk setting offered to all Users.

[4] *See* Securities Exchange Act Release No. 34–88727 (April 22, 2020) 85 FR 23560 (April 28, 2020) (SR–CboeEDGA–2020–12).[sic]

[5] *See* Securities and Exchange Commission Release No. 34–50103 (July 28 2004) 69 FR 48007 (August 6, 2004) (Final Rule: Short Sales) at 48014, regarding hard to borrow lists and the locate requirements under 17 CFR 242.203 (Regulation SHO Rule 203—Borrowing and delivery requirements).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Staff of the U.S. Securities and Exchange Commission, *Staff Report on Equity And Options Market Structure Conditions in Early 2021,* (October 14, 2021) at 30, footnote 84.

[9] 15 U.S.C. 78k–1(a)(1).

[10] *Id.*

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposal. 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–CboeEDGX–2021–048 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–048. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the 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–CboeEDGX–2021–048 and should be submitted on or before December 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25882 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–437, OMB Control No. 3235–0494]**

## Proposed Collection; Comment Request, Extension: Rule 30e–2

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 30e–2 (17 CFR 270.30e–2) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') requires registered unit investment trusts (''UITs'') that invest substantially all of their assets in shares of a management investment company (''fund'') to send their unitholders annual and semiannual reports containing financial information on the underlying company. Specifically, rule 30e–2 requires that the report contain all the applicable information and financial statements or their equivalent, required by rule 30e–1 under the Investment Company Act (17 CFR 270.30e–1) to be included in reports of the underlying fund for the same fiscal period. Rule 30e–1 requires that the underlying fund's report contain, among other things, the information that is required to be included in such reports by the fund's registration statement form under the Investment Company Act. The purpose of this requirement is to apprise current shareholders of the operational and financial condition of the UIT. Absent the requirement to disclose all material information in reports, investors would be unable to obtain accurate information upon which to base investment decisions and consumer confidence in the securities industry might be adversely affected. Requiring the submission of these reports to the Commission permits us to verify compliance with securities law requirements.

Rule 30e–2, however, permits, under certain conditions, delivery of a single shareholder report to investors who share an address (''householding''). Specifically, rule 30e–2 permits householding of annual and semi-annual reports by UITs to satisfy the delivery requirements of rule 30e–2 if, in addition to the other conditions set forth in the rule, the UIT has obtained from each applicable investor written or implied consent to the householding of shareholder reports at such address. The rule requires UITs that wish to household shareholder reports with implied consent to send a notice to each applicable investor stating that the investors in the household will receive one report in the future unless the investors provide contrary instructions. In addition, at least once a year, UITs relying on the rule for householding must explain to investors who have provided written or implied consent how they can revoke their consent. The purpose of the notice and annual explanation requirements associated with the householding provisions of the rule is to ensure that investors who wish to receive individual copies of shareholder reports are able to do so.

The Commission estimates that the annual burden associated with rule 30e–2 is 125 hours per respondent. The Commission estimates that there are currently approximately 660 UITs that file 1320 reports per year. Therefore, the Commission estimates that the total

[11] 17 CFR 200.30–3(a)(12).

hour burden is approximately 82,500 hours. In addition to the burden hours, the Commission estimates that the annual cost of contracting for outside services associated with rule 30e–2 is $20,000 per respondent, or $6,667 per respondent that transmits reports electronically, for a total cost of approximately $5,280,198.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 30e–2 is mandatory. The information provided under rule 30e–2 will not be kept confidential. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O John R. Pezzullo, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

All submissions should refer to File Number 270–437. This file number should be included on the subject line if email is used. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov*). All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Dated: November 23, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25915 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93646; File No. SR–CBOE–2021–067]**

## Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Add a Held Order Instruction

November 22, 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 November 10, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to add a held order instruction. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

**Rule 5.6. Order Types, Order Instructions, and Times-in-Force**

(a)–(b) No change.

(c) *Order Instructions.* An ''Order Instruction'' is a processing instruction a User may apply to an order (multiple instructions may apply to a single order), subject to the restrictions set forth in Rule 6.8(c) with respect to orders and bulk messages submitted through bulk ports and any other restrictions set forth in the Rules, when entering it into the System for electronic or open outcry processing and includes:

* * * * *

**Electronic Only**

An ''Electronic Only'' order is an order a User designates for electronic processing, but does not route to PAR for manual handling if not eligible for electronic processing.

**Held**

*A ''held'' order is an order marked ''held'' for which a Floor Broker's client does not give the Floor Broker discretion as to the price or time at which such order is to be executed or the order was received by the Exchange electronically and subsequently routed to a Floor Broker or PAR Official pursuant to the User's instructions.*

* * * * *

**Not Held**

A ''not held'' order is an order marked ''not held'', ''take time'' or which bears any qualifying notation giving discretion as to the price or time at which such order is to be executed. An order entrusted to a Floor Broker will be considered a not held order, unless [otherwise specified by a Floor Broker's client]*marked ''held''* or the order was received by the Exchange electronically and subsequently routed to a Floor Broker or PAR Official pursuant to the User's instructions. A User may not designate a not held order as Electronic Only.

* * * * *

**Rule 5.70. Availability of Orders**

(a) Pursuant to Rule 5.6(a), the Exchange may make order types, Order Instructions, and Times-in-Force available on a class basis. The Exchange may make the following order types, Order Instructions, and Times-in-Force available for orders submitted in FLEX Options (''FLEX Orders''):

(1) No change.

(2) *Order Instructions:* All Sessions, Attributable, DAC (except for FLEX Options with an exercise price that is a percentage of the closing value of the underlying equity security or index value, as applicable on the trade date or that is Asian or Cliquet-settled), Direct to PAR, Electronic Only, *Held,* Non-Attributable, Not Held, and RTH Only.

* * * * *

**Rule 5.83. Availability of Orders**

(a) *Simple Orders.* Pursuant to Rule 5.6(a), the Exchange may make order types, Order Instructions, and Times-in-Force available on a class basis for PAR routing for manual handling (and open outcry trading). The Exchange may make the following order types, Order Instructions, and Times-in-Force

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

available for PAR routing for manual handling (and open outcry trading):

(1) No change.

(2) Order Instructions: AON, Attributable, Compression/PCC, *Held,* Minimum Quantity, MTP Modifier, Non-Attributable, Not Held, Penny Cabinet, RTH Only, and Sub-Penny Cabinet.

(3) No change.

(b) *Complex Orders.* The Exchange may make complex orders, including security future-option orders, and stock-option orders available for PAR routing for manual handling. Other than Index Combo orders, which may be submitted for electronic and open outcry handling, a complex order with a ratio less than one-to-three (.333) or greater than three-to-one (3.00) may only be submitted for manual handling and open outcry trading. The Exchange may make the follow complex order types available for PAR routing for manual handling (and open outcry trading):

(1) No change.

(2) *Order Instructions:* AON, Attributable, Complex Only, Compression/PCC, *Held,* Index Combo, MTP Modifier, Multi-Class Spread, Non-Attributable, Not Held, RFC, RTH Only, SPX Combo, and stock-option order.

* * * * *

**Rule 5.91. Floor Broker Responsibilities**

(a)–(b) No change.

(c) *Discretionary Transactions.*

(1) An order entrusted to a Floor Broker is considered a not held order (as set forth in the definition of a ''not held'' order in Rule 5.6(c)) *unless the order is marked as held.*

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to add a held order instruction. Currently, Rule 5.6(c) permits the Exchange to offer a not held order instruction.[5] A ''not held'' order is an order marked ''not held'', ''take time'' or which bears any qualifying notation giving discretion as to the price or time at which such order is to be executed.[6] An order entrusted to a Floor Broker will be considered a not held order, unless otherwise specified by a Floor Broker's client or the order was received by the Exchange electronically and subsequently routed to a Floor Broker or PAR Official pursuant to the User's instructions.[7] In other words, an order received by a Floor Broker is by default a not held order unless the Floor Broker receives instructions to the contrary.[8] Currently, there is no standardized manner in which a User may specify on an order that the User wants the order to be handled as held when routed to a Floor Broker.[9]

The proposed rule change adopts a held order instruction. Specifically, the proposed rule change defines a ''held'' order as an order marked ''held'' for which a Floor Broker's client does not give the Floor Broker discretion as to the price or time at which such order is to be executed or the order was received by the Exchange electronically and subsequently routed to a Floor Broker or PAR Official pursuant to the User's instructions.[10] The proposed rule change makes a corresponding change to the definition of a not held order in Rule 5.6(c) and Rule 5.91(1)(c) to provide that an order entrusted to a Floor Broker is considered a not held order (as set forth in the definition of a ''not held'' order in Rule 5.6(c)) unless the order is marked as held. The proposed rule change also provides that the Exchange may make the held order instruction available for FLEX open outcry trading and non-FLEX open outcry trading, for which the Exchange may currently make the not held order instruction available.[11] The proposed rule change is consistent with current rules, which permit Users to specify that an order not be handled by a Floor Broker as ''not held.'' It merely adopts a specified manner in which an order must be marked to indicate the client for such order does not wish for a Floor Broker to have price and time discretion with respect to execution of that order.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors by eliminating any potential ambiguity regarding how Users may indicate that they do not

[5] Pursuant to Rules 5.70(a)(2) and 5.83(b)(2), the Exchange may make the not held order instruction available for FLEX open outcry trading and non-FLEX open outcry trading, respectively.

[6] A ''not held'' order generally is one where a customer gives a Floor Broker discretion in executing the order, both with respect to the time of execution and the price (though the customer may specify a limit price), and the Floor Broker works the order over a period of time to avoid market impact while seeking best execution of the order.

[7] A User may not designate a not held order as Electronic Only.

[8] *See* Securities Exchange Act Release Nos. 75299 (June 25, 2015), 80 FR 37700 (July 1, 2015) (SR–CBOE–2015–047); and 78110 (June 21, 2016), 81 FR 41626 (June 27, 2016) (SR–CBOE–2016–050).

[9] *See* Cboe Options Regulatory Circular RG15–136 (September 30, 2015). Pursuant to that circular, an order will be considered held if a client instructs a Floor Broker that the order is held. However, Cboe's system does not currently capture in electronic form whether a Floor Broker received such instruction from a client.

[10] *See* proposed definition of ''held'' in Rule 5.6(c). Unlike a not held order, a User may designate a held order as Electronic Only, as any order sent for electronic execution is consistent with the definition of held. Therefore, the System will accept a held Electronic Only order.

[11] *See* proposed Rules 5.70(a)(2) and 5.83(a)(2) and (b)(2), respectively.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

want their orders to be treated as not held by Floor Brokers. The proposed rule change is consistent with the current not held order instruction and makes a corresponding held order instruction available. The proposed rule change is consistent with current Rules, which permit a User to specify that an order not be handled by a Floor Broker as ''not held'' but do not describe how Users may make such a specification. The proposed rule change merely adopts a specified manner in which a client must mark an order to indicate the client does not wish for a Floor Broker to have price and time discretion with respect to execution of that order. The proposed rule change to make the held order instruction available for FLEX open outcry trading and non-FLEX open outcry trading will benefit investors, as it will permit the Exchange to make this order instruction available for the same trading for which the Exchange may currently make the not held order instruction available. This, as well as other conforming changes described above, will provide consistency throughout the Rules.[15] The proposed rule change is consistent with current rules, which permit Users to specify that an order not be handled by a Floor Broker as ''not held.''

Additionally, the proposed rule change will promote just and equitable principles of trading by enhancing the Exchange's audit trail, which will now capture held instructions in a standardized manner and assist the Exchange's regulatory review of orders executed in open outcry. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[16] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's TPHs and persons associated with its TPHs with the Act, the rules and regulations thereunder, and the rules of the Exchange. With an enhanced audit trail of orders executed in open outcry, the Exchange believes it will be able to monitor more comprehensively the trading of these orders.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues, as it relates solely to how certain orders routed to a Floor Broker on the Exchange's floor for open outcry trading should be marked. Additionally, as discussed above, the Exchange believes the proposed rule change will enhance the Exchange's audit trail with respect to orders executed in open outcry.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the proposed held order instruction (like the current not held order instruction) will be available to all Users that route held client orders to a Floor Broker for open outcry trading on the Exchange's trading floor. Currently, a held order instruction must be communicated in some way to a Floor Broker, when applicable, and the proposed rule change provides a clear, specific, and more streamlined way to do so. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition, as it relates solely to how orders routed for execution on the Exchange's trading floor should be marked. Additionally, as noted above, the proposed held order instruction is merely the converse of the already available not held order instruction that Users may apply to orders.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[19] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange states that waiver of the operative delay would protect investors and the public interest by eliminating, as soon as possible, any potential confusion regarding how a User may indicate that an order is held. The Exchange further states that the proposed change does not raise any new or novel issues. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–067 on the subject line.

[15] *See* proposed Rules 5.70(a)(2) and 5.83(a)(2) and (b)(2), respectively.

[16] 15 U.S.C. 78f(b)(1).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

*Paper Comments*

• *Send paper comments in triplicate to:* Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–067. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–067 and should be submitted on or before December 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25893 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[SEC File No. 270–523, OMB Control No. 3235–0585]**

## Submission for OMB Review; Comment Request, Extension: Rule 206(4)–7

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Investment Advisers Act rule 206(4)–7, 17 CFR 275.206(4)–7, Compliance procedures and practices.'' This collection of information is found at 17 CFR 275.206(4)–7, and is mandatory. Rule 206(4)–7 under the Investment Advisers Act of 1940 (''Advisers Act'') requires each investment adviser registered with the Commission to (1) adopt and implement written policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules, (2) review those compliance policies and procedures annually, and (3) designate a chief compliance officer who is responsible for administering the compliance policies and procedures. The rule is designed to protect investors by fostering better compliance with the securities laws. The collection of information under rule 206(4)–7 is necessary to help ensure that investment advisers maintain comprehensive internal programs that promote the advisers' compliance with the Advisers Act and its rules. The Commission's examination and oversight staff may review the information collected to assess investment advisers' compliance programs. Responses provided to the Commission pursuant to the rule in the context of the Commission's examination and oversight program are generally kept confidential.[1] 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 control number.

The respondents to this information collection are investment advisers registered with the Commission. Updated data indicate that there were 14,376 advisers registered with the Commission as of August 2021. Each respondent would produce one response, per year. Commission staff has estimated that compliance with rule 206(4)–7 imposes an annual burden of approximately 90 hours per response. Based on this figure, Commission staff estimates a total annual burden of 1,293,840 hours for this collection of information.

Written comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O John R. Pezzullo, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: November 23, 2021.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021–25912 Filed 11–26–21; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF STATE

**[Public Notice: 11589]**

## Secretary of State's Determinations Under the International Religious Freedom Act of 1998 and Frank R. Wolf International Religious Freedom Act of 2016

The Secretary of State's designation of ''countries of particular concern'' and ''special watch list'' countries for religious freedom violations pursuant to Section 408(a) of the International Religious Freedom Act of 1998 (Pub. L.

[22] 17 CFR 200.30–3(a)(12).

[1] *See* section 210(b) of the Advisers Act (15 U.S.C. 80b–10(b)).

105–292), as amended (the Act), notice is hereby given that, on November 15, 2021, the Secretary of State, under authority delegated by the President, has designated each of the following as a ''country of particular concern'' (CPC) under section 402(b) of the Act, for having engaged in or tolerated particularly severe violations of religious freedom: Burma, China, Eritrea, Iran, the Democratic People's Republic of Korea, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan. The Secretary simultaneously designated the following Presidential Actions for these CPCs:

For Burma, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of the Act;

For China, the existing ongoing restriction on exports to China of crime control or detection instruments or equipment, under the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Pub. L. 101–246), pursuant to section 402(c)(5) of the Act;

For the Democratic People's Republic of Korea, the existing ongoing restrictions to which the Democratic People's Republic of Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), and pursuant to section 402(c)(5) of the Act;

For Eritrea, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of the Act;

For Iran, the existing ongoing travel restrictions in section 221(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) for individuals identified under section 221(a)(1)(C) of the TRA in connection with the commission of serious human rights abuses, pursuant to section 402(c)(5) of the Act;

For Pakistan, a waiver as required in the ''important national interest of the United States,'' pursuant to section 407 of the Act;

For Russia, the existing ongoing sanctions issued for individuals identified pursuant to section 404(a)(2) of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 and section 11 of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014, as amended by Section 228 of the Countering America's Adversaries Through Sanctions Act, pursuant to section 402(c)(5) of the Act;

For Saudi Arabia, a waiver as required in the ''important national interest of the United States,'' pursuant to section 407 of the Act;

For Tajikistan, a waiver as required in the ''important national interest of the United States,'' pursuant to section 407 of the Act; and

For Turkmenistan, a waiver as required in the ''important national interest of the United States,'' pursuant to section 407 of the Act.

In addition, the Secretary of State has designated the following countries as ''special watch list'' countries for engaging in or tolerating severe violations of religious freedom: Algeria, Comoros, Cuba, and Nicaragua.

The Secretary of State's designation of ''entities of particular concern'' for religious freedom violations. Pursuant to Section 408(a) of the International Religious Freedom Act of 1998 (Pub. L. 105–292), notice is hereby given that, on November 15, 2021, the Secretary of State, under authority delegated by the President, has designated each of the following as an ''entity of particular concern'' under section 301 of the Frank R. Wolf International Religious Freedom Act of 2016 (Pub. L. 114–281), for having engaged in particularly severe violations of religious freedom: Al-Shabaab, Boko Haram, Hayat Tahrir al-Sham, the Houthis, ISIS, ISIS-Greater Sahara, ISIS-West Africa, Jamaat Nasr al-Islam wal Muslimin, and the Taliban.

**FOR FURTHER INFORMATION CONTACT:** Gabriela Anciola, Office of International Religious Freedom, U.S. Department of State, (Phone: (202) 647–3607 or Email: *AnciolaG@state.gov*).

**Daniel L. Nadel,**

*Senior Official, Office of International Religious Freedom, U.S. Department of State.*

[FR Doc. 2021–25923 Filed 11–26–21; 8:45 am]

**BILLING CODE 4710–18–P**

## SURFACE TRANSPORTATION BOARD

**[Docket No. EP 768]**

### Petition for Rulemaking To Adopt Rules Governing Private Railcar Use by Railroads

On July 26, 2021, the North America Freight Car Association, The National Grain and Feed Association (NGFA), The Chlorine Institute, and The National Oilseed Processors Association (collectively, Petitioners) filed a petition for rulemaking proposing that the Board adopt regulations, pursuant to its car service authority under 49 U.S.C. 11122(a)(2), that would allow private railcar providers [1] to assess a ''private railcar delay charge'' when a private freight car does not move for more than 72 consecutive hours at any point between the time it is ''released for transportation'' and the time it is ''either constructively placed or actually placed at the private railcar provider's facility or designated location.'' (Pet. 1, 23–24.) [2]

The Board received replies to the petition from the Association of American Railroads (AAR), CSX Transportation, Inc. (CSXT), Union Pacific Railroad Company (UP), the Institute for Scrap Recycling Industries, Inc. (ISRI), a group of shipper associations including the American Chemistry Council, The Fertilizer Institute, and the National Industrial Transportation League (collectively, Joint Shippers), the National Association of Chemical Distributors (NACD), the National Coal Transportation Association (NCTA), the Private Railcar Food and Beverage Association (PRFBA), American Fuel & Petrochemical Manufacturers (AFPM), the Freight Rail Customer Alliance (FRCA), and the Canadian Oilseed Processors Association (COPA),[3] as well as notices of intent to participate from NGFA and the American Short Line and Regional Railroad Association. AAR, CSXT, and UP oppose the petition, while ISRI, Joint Shippers, NACD, NCTA, PRFBA, AFPM, FRCA, and COPA support it.

On September 10, 2021, Petitioners submitted a surreply to the replies, along with a motion for leave to file. On September 23, 2021, AAR and UP submitted replies to Petitioners' motion for leave to file. AAR states that it does not object to the Board accepting Petitioners' surreply into the record, as long as it also accepts AAR's ''brief rejoinder,'' (AAR Reply 1, Sept. 23, 2021), and UP states that it takes no position on Petitioners' motion for leave but asks the Board to reject certain claims Petitioners made in their surreply, (UP Reply 1, Sept. 23, 2021).[4]

Petitioners contend that the proposed regulations are necessary to encourage the efficient use of private freight cars, (Pet. 8–10), and to compensate private railcar providers for the costs they incur when carriers use private freight cars inefficiently, (*id.* at 12–13). In response, UP and AAR claim that the Board lacks the statutory authority under section 11122(a)(2) to adopt the proposed

[1] Petitioners define a ''private railcar provider'' as ''a shipper, receiver, or other party who owns or leases a private railcar and provides it to a railroad for transportation.'' (Pet. 23.)

[2] Constructive placement occurs when a rail car is available for delivery but cannot actually be placed at the receiver's destination because of a condition attributable to the receiver, such as lack of room on the tracks in the receiver's facility. *See Pol'y Statement on Demurrage & Accessorial Rules & Charges,* EP 757, slip op. at 8 n.22 (STB served Apr. 30, 2020).

[3] Replies to the petition were due by August 30, 2021, and COPA's reply was filed after that date. In the interest of having a more complete record, however, COPA's reply will be accepted into the record.

[4] Under 49 CFR 1104.13(c), a reply to a reply is not permitted. However, in the interest of a more complete record, the Board will grant Petitioners' motion for leave. *See City of Alexandria—Pet. for Declaratory Ord.,* FD 35157, slip op. at 2 (STB served Nov. 6, 2008) (allowing a reply to a reply ''[i]n the interest of compiling a full record'').

regulations. (UP Reply 2–3; AAR Reply 3–6.) [5] AAR, CSXT, and UP contend, moreover, that the proposed regulations are unnecessary because carriers have sufficient incentives to move cars efficiently, as delayed cars hinder operations and reduce revenue. (CSXT Reply 3–4; UP Reply 7–8, Aug. 30, 2021; AAR Reply 8–9, Aug. 30, 2021.) They also argue that the proposed regulations will have a negative impact on the overall efficiency of the rail network by incentivizing carriers to move private freight cars inefficiently to avoid the charges and by reducing cooperation between carriers during periods of network stress. (CSXT Reply 6; UP Reply 9, Aug. 30, 2021; AAR Reply 16, Aug. 30, 2021.) Other respondents contend that the proposed regulations would provide appropriate financial incentives for Class I carriers to use private freight cars more efficiently, (NCTA Reply 1–2; PRFBA Reply 1; FRCA Reply 1), and offer reciprocity for demurrage charges (ISRI Reply 4; NACD Reply 1; AFPM Reply 2; COPA Reply 1–2). Furthermore, Joint Shippers ask the Board to solicit comments on how the proposed regulations would be implemented, including whether carriers would be responsible for monitoring private freight car delays and crediting amounts owed under the proposed regulations against their demurrage invoices. (Joint Shippers Reply 5.)

Petitioners' proposal and the responses to date raise important issues of interest to the Board. Therefore, to further consider Petitioners' proposal and the responses, the Board will open a proceeding. Procedures for further public comment will be established in a subsequent decision.

*It is ordered:*

1. Petitioners' motion for leave to file a surreply is granted.

2. Petitioners' petition is granted to the extent that it requests that the Board open a proceeding.

3. Notice of this decision will be published in the **Federal Register**.

4. This decision is effective on its service date.

Decided: November 22, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

**Eden Besera,**

*Clearance Clerk.*

[FR Doc. 2021–25916 Filed 11–26–21; 8:45 am]

**BILLING CODE 4915–01–P**

[5] Additionally, CSXT states that it joins AAR's comments. (CSXT Reply 2.)

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. FAA–2013–0259–2245]**

### Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: FAA Aircraft Noise Complaint and Inquiry System (Noise Portal)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The FAA Regional Administrators' Offices and the FAA Noise Ombudsman will use the information voluntarily reported, on the occasion of a complaint, by the public in the FAA Noise Portal to prepare responses to their noise complaints or inquiries. The required FAA Noise Portal fields represent the minimum amount of information the FAA needs to address the public's noise complaint or question and includes: Name, email, address or cross street and a description of the noise complaint or inquiry. It is important to know the person's name and email address to respond and track the complaint. The FAA will not respond to the same complaint from the same person more than once. The address or cross street is needed for the FAA to determine potential sources of the aircraft noise issues as most people complain about aircraft in the vicinity of their residence. The description is used to provide additional details for the FAA to better address the complaint or question.

**DATES:** Written comments should be submitted by December 29, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Idurre L. Isasa-Cowan by email at: *durre.cowan@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120–0773.

*Title:* FAA Aircraft Noise Complaint and Inquiry System (Noise Portal).

*Form Numbers:* None.

*Type of Review:* Renewal of an information collection.

*Background:* Although the FAA already receives aircraft noise complaints and inquiries from the public, the FAA's voluntary collection of the information from the public invokes the PRA process. The FAA must receive approval from the Office of Management and Budget (OMB) to collect the information in the Noise Portal. The FAA will summarize the public comments from the 60-day comment period (February 1, 2021 to April 2, 2021), and address these in a 30-day **Federal Register** notice inviting further comments. OMB has 60-days from the date of the 30-day notice to approve the FAA's voluntary collection of information in the Noise Portal. We expect the entire process will be completed by March 2022.

*Respondents:* The public.

*Frequency:* As needed.

*Estimated Average Burden per Response:* 15 minutes.

*Estimated Total Annual Burden:* 11,250 hours.

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

**Idurre L. Isasa-Cowan,**

*Community Engagement Officer, FAA Office of the Environment and Energy (AEE).*

[FR Doc. 2021–25944 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

**[Docket No. FHWA–2021–0022]**

### Development of Guidance for Electric Vehicle Charging Infrastructure Deployment

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice; request for information (RFI).

**SUMMARY:** The recently enacted Bipartisan Infrastructure Law invests in the deployment of electric vehicle (EV) charging infrastructure as one of many important ways to confront the climate crisis. Through a National Electric Vehicle Formula Program (EV Charging Program), the law provides funding to States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability. The law also establishes a discretionary grant program for Charging and Fueling Infrastructure (Charging and Fueling Infrastructure Program) to strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that are accessible to all drivers of such vehicles. The law directs DOT, in coordination or consultation with the Department of Energy (DOE), to develop guidance for both programs. Through this notice, FHWA invites public comments to inform the development of the guidance. FHWA is especially interested in comments suggesting ways that the guidance could promote equity in the deployment of EV charging infrastructure under these programs.

**DATES:** Comments would be most useful if they are received on or before January 28, 2022 to allow for their consideration during development of the EV Charging Program guidance. FHWA will consider comments received after the due date to the extent practicable.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001;
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329;
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Kerry Rodgers, Office of the Chief Counsel, (202) 366–1376, or via email at *kerry.rodgers@dot.gov.* FHWA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Electronic Access and Filing

A copy of this Notice, all comments received on this Notice, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are also available at *http://www.regulations.gov.* An electronic copy of this document also may be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

## Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this RFI contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this RFI, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask FHWA to give confidential treatment to information you give to the Agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send FHWA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, FHWA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this RFI. Submissions containing CBI should be sent to Kerry Rodgers, FHWA Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590. Any comment submissions that FHWA receives that are not specifically designated as CBI will be placed in the public docket for this matter.

## Background

The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (IIJA), Public Law 117–58 (Nov. 15, 2021), includes important new programs to address climate change by reducing carbon emissions. Among these programs is a national EV Charging Program to provide funding that FHWA shall distribute among the States to strategically deploy EV charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability. Funds must be used for: (1) The acquisition and installation of EV charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; (2) proper operation and maintenance of EV charging infrastructure; and (3) data sharing about EV charging infrastructure to ensure the long-term success of investments made under the program. The Federal share payable for projects funded under the EV Charging Program is 80 percent. EV Charging Program funds may be used to contract with a private entity for acquisition and installation of publicly accessible EV charging infrastructure, and the private entity may pay the non-Federal share of the project cost. However, funds must be used for projects directly related to vehicle charging and only for EV charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company. Further, any EV charging infrastructure acquired or installed with program funds must be located along a designated alternative fuel corridor, unless a State determines, and the Secretary of Transportation (Secretary) certifies, that the designated alternative fuel corridors in the State are fully built out. In that case, the State could use the funds for EV charging infrastructure on any public road or in other publicly accessible locations.

The Bipartisan Infrastructure Law also requires that a State, by a deadline to be set by DOT, provide a plan to DOT describing how the State intends to use the funds it receives under the EV Charging Program for each fiscal year in which funds are made available. No later than 120 days after the deadline for submittal of the State plans, DOT is required to issue a publicly available report on its website summarizing each State plan submitted and assessing how the State plans to make progress towards the establishment of a national EV charging infrastructure network. If a State fails to submit the required plan, or if DOT determines that a State has not taken action to carry out its plan, DOT may, as applicable, withhold or

withdraw funds made available under the EV Charging Program for the fiscal year after providing notice to and consulting with the State and providing an opportunity for the State to address any concerns and implement its plan or to appeal DOT's decision to withhold or withdraw funds. In such situations, DOT may award such funds on a competitive basis to local jurisdictions within the State for use on projects that meet the EV Charging Program's eligibility requirements. If DOT determines that such withheld or withdrawn funds cannot be fully awarded to local jurisdictions within the State, DOT is required to distribute any remaining funds among other States that have not had funds withheld or withdrawn under the program as the law provides.

Another new program is the Charging and Fueling Infrastructure Program, a competitive grant program to strategically deploy publicly accessible EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure (eligible fueling infrastructure) along designated alternative fuel corridors or in certain other locations that are accessible to all drivers of such vehicles. Through this program for corridor and community charging, the Secretary will award grants to eligible entities that include States or political subdivisions, metropolitan planning organizations, local governments, special purpose districts or public authorities with a transportation function, Indian tribes, U.S. territories, authorities or agencies owned by one or more of these eligible entities, or groups of eligible entities. Eligible entities must use grants to contract with a private entity for acquisition and installation of publicly accessible EV charging infrastructure or eligible fueling infrastructure that is directly related to vehicle charging or fueling. Publicly accessible EV charging infrastructure or eligible fueling infrastructure installed with grants under this program must be located along a designated alternative fuel corridor, except in the case of the community grants described below.

The Bipartisan Infrastructure Law requires that the Secretary reserve 50 percent of the amounts made available each fiscal year to carry out the Charging and Fueling Infrastructure Program to provide community grants to eligible entities. Eligible entities include those previously described and State or local authorities that own publicly accessible transportation facilities. The Secretary may award community grants for projects that are expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible EV charging infrastructure or eligible fueling infrastructure, including certain development phase activities and the acquisition or installation of such infrastructure that is directly related to vehicle charging or fueling, including any related construction or reconstruction and the acquisition of real property directly related to the project. Projects that receive community grants may be located on any public road or in other publicly accessible locations such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

The law requires the Secretary, in awarding community grants, to give priority to projects that expand access to EV charging and eligible fueling infrastructure in rural areas, low- and moderate-income neighborhoods, and communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes. The Secretary also must consider the extent to which a project contributes to geographic diversity among eligible entities, including a balance between urban and rural communities, and meets current or anticipated market demands for charging or fueling infrastructure.

The Federal share of the cost of a project carried out with a grant under the Charging and Fueling Infrastructure Program shall not exceed 80 percent of the total project cost. Projects carried out under the program are treated as projects on a Federal-aid highway and are subject to certain other requirements.

**Development of Guidance**

The Bipartisan Infrastructure Law directs DOT, in coordination with DOE and within 90 days of the law's enactment, to develop guidance for States and localities to strategically deploy EV charging infrastructure through the EV Charging Program, based on the consideration of nine factors. The law also directs DOT, during the redesignation of alternative fuel corridors under 23 U.S.C. 151, to issue a report that summarizes best practices and provides guidance, developed through consultation with DOE, for project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels to allow for the predictable deployment of that infrastructure. The guidance we develop also may be relevant to EV charging infrastructure that receives funding from other Federal funding sources.

**Request for Comments and Information**

As we begin to develop the guidance for the EV Charging Program and for project development of EV charging infrastructure, and we prepare to implement the Charging and Fueling Infrastructure Program, FHWA requests comments and information from the public. In particular, FHWA requests comments to inform its development of the statutorily required EV Charging Program guidance. Please indicate in your written comments the number(s) of the considerations(s) you are commenting on and provide specific examples or information to illustrate your comments where possible. The statutory considerations for the EV Charging Program are:

1. The distance between publicly available EV charging infrastructure;

2. Connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage;

3. The proximity of existing off-highway travel centers, fuel retailers, and small businesses to EV charging infrastructure acquired or funded under the Program;

4. The need for publicly available EV charging infrastructure in rural corridors and underserved or disadvantaged communities;

5. The long-term operation and maintenance of publicly available EV charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure;

6. Existing private, national, State, local, Tribal, and territorial government EV charging infrastructure programs and incentives;

7. Fostering enhanced, coordinated, public-private or private investment in EV charging infrastructure;

8. Meeting current and anticipated market demands for EV charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles; and

9. Any other factors, as determined by the Secretary.

In connection with question 9, please describe any other factors that you suggest that we consider in developing the EV Charging Program guidance.

FHWA also requests comments to inform the implementation of the Charging and Fueling Infrastructure Program to provide discretionary grants for corridor and community charging. Specifically:

10. Please provide examples of best practices relating to project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels.

11. What topics do you suggest that we address in guidance on project development of EV charging infrastructure and hydrogen, propane, and natural gas fueling infrastructure at the State, Tribal, and local levels to allow for the predictable deployment of that infrastructure?

12. Please provide any suggestions to inform the administration of competitive grants under the Charging and Fueling Infrastructure Program for corridor and community charging.

*Authority:* Public Law 117–58; 49 CFR 1.81.

Signed in Washington, DC.

**Stephanie Pollack,**

*Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2021–25868 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

**[OST Docket No. DOT–OST–2011–0022]**

### Notice of Submission of Proposed Information Collection to OMB Agency Request for Reinstatement of a Previously Approved Collection: Online Complaint Form for Service-Related Issues in Air Transportation

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice and request for comments; reinstatement of an OMB control number.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 this notice announces the Department of Transportation's intention to reinstate an OMB control number for an online complaint form by which a consumer can electronically submit a service-related complaint against an airline and other sellers of air transportation.

**DATES:** Comments on this notice must be received by January 28, 2022.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments;
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W–12/140, Washington, DC 20590–0001; or
- *Hand Delivery:* West Building Ground Floor, Room W–12/140, 1200 New Jersey Ave. SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

**FOR FURTHER INFORMATION CONTACT:** Daeleen Chesley, Office of the Secretary, Office of Aviation Consumer Protection (C–70), U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202 366–6792 (voice) or at *Daeleen.Chesley@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2105–0568.

*Title:* Reinstatement of Office of Aviation Consumer Protection Online Complaint Form.

*Abstract:* The Department of Transportation's (Department) Office of Aviation Consumer Protection (OACP, formerly the Office of Aviation Enforcement and Proceedings) has broad authority under 49 U.S.C., subtitle VII, to investigate and enforce consumer protection and civil rights laws and regulations related to air transportation. OACP monitors compliance with and investigates violations of the Department of Transportation's aviation economic, consumer protection, and civil rights requirements.

Among other things, the office is responsible for receiving and investigating service-related consumer complaints filed against airlines and other sellers of air transportation. Once received, the complaints are reviewed by the office to determine the extent to which these entities comply with federal aviation consumer protection and civil rights laws and what, if any, action should be taken.

This request is to enable consumers to continue to submit comments, including complaints, to the Department using an online form, whether via their personal computer or on a mobile/electronic device. If the online comment form is not available, the Department may receive fewer complaints/comments from consumers. The lack of consumer-driven information could inhibit the office's ability to effectively investigate both individual complaints against airlines and other sellers of air transportation. It would also impact OACP's ability to become aware of patterns and practices that may develop in violation of our rules. The information collection continues to further the objectives of 49 U.S.C. 41712, 40101, 40127, 41702, and 41705 to protect consumers from unfair or deceptive practices, to protect the civil rights of air travelers, and to ensure safe and adequate service in air transportation.

Filing a complaint using a web-based form is voluntary and minimizes the burden on respondents when compared with other methods of submitting complaints. In recent years, consumers have submitted the vast majority of complaints online versus contacting the Department using regular mail or telephone. Approximately ninety percent of the submissions received by OACP during calendar years (CYs) 2017 through 2019 were filed using the web-based form as shown in the table below.[1]

| Calendar year | Total number of complaints filed | Total number of complaints filed online | Percentage of complaints filed online |
|---|---|---|---|
| 2017 | 18,155 | 16,067 | 89 |
| 2018 | 15,546 | 13,964 | 90 |
| 2019 | 15,342 | 14,107 | 92 |
| Average Total per Year (above) | 16,348 | 14,713 | 90 |

[1] In 2020, the Department received an unusually high number (100,613) of online submissions to our office, primarily complaints, largely due to flight cancellations and refund issues that resulted from the Covid–19 pandemic. Using the average number of submissions from the three previous CYs more accurately reflects the annual number of submissions received by our office historically.

The type of information requested on the form includes complainant's name, address, phone number (including area code), email address, and name of the airline or company about which she/he is complaining, as well as the flight date and flight itinerary (where applicable) of a complainant's trip. A consumer may also use the form to give a description of a specific air-travel related problem or to ask for air-travel related information from the OACP. The Department has limited its informational request to that necessary to meet its program and administrative monitoring and enforcement activities.

*Respondents:* Consumers that Choose to File an Online Complaint/Comment with the Office of Aviation Consumer Protection.

*Estimated Number of Respondents:* 14,713 (based on averaging data from CYs 2017–19).

*Estimated Total Burden on Respondents:* 3,678.25 hours (220,695 minutes). The estimate was calculated by multiplying the average number of cases filed using the online form in CYs17–19 (14,713) by the time needed to fill out the online form (15 minutes).

The information collection is available for inspection in *regulations.gov,* as noted in the **ADDRESSES** section of this document.

*Comments are Invited on:* (a) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

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

**Kimberly Graber,**

*Deputy Assistant General Counsel, Office of Aviation Consumer Protection.*

[FR Doc. 2021–25891 Filed 11–26–21; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

**[Docket ID Number: DOT–OST–2014–0031]**

## Notice of Submission of Proposed Information Collection to OMB Agency Request for Renewal of a Previously Approved Collection: Airline Service Quality Performance—Part 234

**AGENCY:** Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the *Paperwork Reduction Act of 1995* (44 U.S.C. chapter 35, as amended) this notice announces that DOT is submitting a request to the Office of Management and Budget (OMB) for renewal of OMB Control Number 2138–0041 covering Airline Service Quality Performance, On-time Performance, and Mishandled Baggage reports that the largest U.S. air carriers file with DOT under part 234 of title 14, Code of Federal Regulations (CFR). On August 11, 2021, the Director, Office of Airline Information (OAI), published a **Federal Register** notice announcing DOT's intent to renew the information collections and providing a 60-day comment period regarding the information collections. *See* 86 FR 44137. DOT did not receive any comments in response to the August 11, 2021 notice. This notice announces an additional 30 days of public comment.

**DATES:** Comments on this notice must be received by December 29, 2021. Interested persons are invited to submit comments regarding this proposal.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Cecelia Robinson, Office of Airline Information, RTS–42, Room E34–410, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4405 (voice), Fax Number (202) 366–3383 or Email *cecelia.robinson@dot.gov.*

**SUPPLEMENTARY INFORMATION:** DOT collects information regarding flight performance and mishandled baggage, wheelchairs, and scooters from the largest U.S. air carriers under 14 CFR part 234. The air carriers required to provide this information to DOT consist of the U.S. air carriers that accounted for at least 0.5 percent of domestic scheduled-passenger revenues (Reporting Carriers) as most recently determined by OAI. An air carrier that is not a Reporting Carrier may voluntarily submit the flight performance and mishandled baggage, wheelchairs, and scooters information to the Department pursuant to 14 CFR 234.7.

Specifically, Reporting Carriers must submit Part 234 On-time Performance reports to DOT with information on domestic flight operations and performance as described in 14 CFR 234.4.[1] In addition, under 14 CFR 234.6, Reporting Carriers must submit Part 234 Mishandled Baggage reports to DOT that include the following information for covered domestic flights: (1) The number of bags mishandled in its custody, (2) the number of bags enplaned into the aircraft cargo compartment, (3) the number of mishandled wheelchairs and scooters mishandled in its custody, and (4) the number of wheelchairs and scooters enplaned into the aircraft cargo compartment.[2] Each Reporting Carrier is required to report the flight performance and mishandled baggage, wheelchair, and scooter information to DOT on a monthly basis for the covered flights it operates and for any covered flights held out under the Reporting Carrier's code (as the only U.S. carrier code) and operated by a codeshare partner of the Reporting Carrier that is a U.S. air carrier. These codeshare partners generally adopt the marketing carrier's branding and, thus, are referred to as branded codeshare partners.

DOT uses the information reported by airlines to provide airline performance information and statistics on the BTS website and in the *Air Travel Consumer Report* (ATCR), a monthly publication of DOT's Office of Aviation Consumer Protection (OACP). Air transportation

[1] The format and instructions for reporting this information are in Technical Reporting Directive #27—On-Time Performance, effective January 1, 2018, *available at: https://cms7.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/207741/technical-directive-no-27-time-2018.pdf.*

[2] The format and instructions for reporting mishandled baggage and wheelchair and scooter information to DOT are in Technical Reporting Directive #30A—Mishandled Baggage and Wheelchairs and Scooters (Amended), effective January 1, 2019, *available at: https://www.bts.dot.gov/sites/bts.dot.gov/files/docs/explore-topics-and-geography/topics/airlines-and-airports/224606/technicaldirective30abaggage2019amended.pdf.*

consumers and other stakeholders use the information DOT publishes to understand and compare airlines' service quality performance, including airlines' rates of on-time performance and cancellation, and rates of baggage and wheelchair and scooter mishandling.

DOT's Federal Aviation Administration (FAA) uses data reported by airlines in part 234 On-time Performance reports to analyze air traffic delays. Wheels-up and wheels-down times are used by the FAA in conjunction with departure and arrival times to show the extent of ground delays. Actual elapsed flight time (wheels-down minus wheels-up time) is compared by the FAA to scheduled elapsed flight time to identify airborne delays. The reporting of the aircraft tail number allows the FAA to track an aircraft through the air network, which enables the FAA to study the ripple effects of delays at hub airports. The data can be analyzed by the FAA for airport design changes, new equipment purchases, and the planning of new runways or airports based on current and projected airport delays and traffic levels. Identifying the reasons for delays allows the FAA, airport operators, and air carriers to pinpoint delays under their control.

DOT is publishing this notice to announce that its request for renewal of the previously approved information collections described above under OMB Control Number 2138–0041 is being forwarded to OMB for review and comments. Without further action, OMB authorization of the information collections would expire December 31, 2021.

The Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. A Federal agency generally may not conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, no person shall generally be subject to monetary penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. On August 11, 2021 the Department published a 60-day notice in the **Federal Register** soliciting comment on ICRs for which the agency was seeking OMB approval (86 FR at 44137). The Department did not receive any comments on the 60-day notice. Accordingly, the Department announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). The 30-day notice informs the regulated community to file relevant comments to OMB and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure their full consideration. 5 CFR 1320.12(c); *see also* 60 FR 44983 (Aug. 29, 1995).

The title, a description of the respondents, and an estimate of the annual recordkeeping and periodic reporting burden for each of the information collections for which DOT seeks renewal are set forth below:

**1. Airline Service Quality Performance Reports—Part 234 On-Time Performance**

*Respondents:* Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report flight performance data for the covered flights that they operate as described in 14 CFR 234.4; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are required to report this information for the covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.4; Air carriers may voluntarily report flight performance data pursuant to 14 CFR 234.7.

*Estimated Number of Respondents:* 17 air carriers (4 of which market codeshare flights).

*Frequency:* Monthly.

*Estimated Average Burden per Response:* 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated by its branded code-share partners.

*Estimated Total Annual Burden:* 2,808 hours (17 air carriers reporting the flight performance information for the flights they operate × 10 hours per response × 12 months = 2,040 hours) + (4 air carriers reporting the flight performance information for flights operated by their branded codeshare partners × 16 hours per response × 12 months = 768 hours). This estimate is based on the following information: 17 carriers reported the flight performance data for the flights they operated to DOT in calendar years 2019, 2020, and 2021. Currently, 4 carriers report flight performance data to DOT for their branded codeshare operations.

DOT estimates that respondents will encounter on average a 10-hour burden per month to report flight performance data to DOT for the flights they operate. DOT estimates the respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report flight performance data to DOT for their branded codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

**2. Airline Service Quality Performance Reports—Part 234 Mishandled Baggage**

*Respondents:* Certificated air carriers that account for at least 0.5 percent of the domestic scheduled-service passenger revenues are required to report mishandled baggage and wheelchairs and scooters data for the covered flights that they operate as described in 14 CFR 234.6; Certificated air carriers that account for at least 0.5 percent of domestic scheduled-service passenger revenues are required to report this information for covered flights marketed under the carrier's code as the only U.S. carrier code that are operated by another U.S. carrier as described in 14 CFR 234.6; Air carriers may voluntarily report mishandled baggage and wheelchairs and scooters data pursuant to 14 CFR 234.7.

*Estimated Number of Respondents:* 17 air carriers (4 that market codeshare flights).

*Frequency:* Monthly.

*Estimated Average Burden per Response:* 10 hours for each respondent to report for the flights operated by the respondent plus an additional 16 hours if the respondent reports for flights operated its branded code-share partners.

*Estimated Total Annual Burden:* 2,825 hours (17 air carriers reporting the mishandled baggage and mishandled

wheelchairs and scooters information for flights they operate × 10 hours per response × 12 months = 2,040 hours) + (4 air carriers reporting the mishandled baggage and mishandled wheelchairs and scooters information for flights operated by their branded codeshare partners × 16 hours per response × 12 months = 768 hours) + (.00138 hours for manual data entry related to wheelchair or scooters × 12,000 manual entries = 17 hours). This estimate is based on the following information: 17 carriers reported mishandled baggage and wheelchair and scooter information to DOT in calendar years 2019, 2020, and 2021. Currently, 4 carriers report mishandled baggage and wheelchair and scooter information to DOT for their codeshare operations.

DOT estimates that respondents will encounter on average 10-hours burden per month to report the mishandled baggage and wheelchair and scooter data to DOT for the flights they operate. DOT estimates that respondents that market codeshare flights will encounter on average an additional burden of 16 hours per month to report the mishandled baggage and wheelchair and scooter data to DOT for their branded codeshare operations. The burden estimates include staff time to manage and process the data and to submit the report through DOT's electronic submission system.

In addition, the estimated total annual burden is based on the assumption that most respondents employ automated processes to record that an item enplaned is a wheelchair or scooter, for the purposes of reporting data on wheelchairs and scooters to DOT. For a carrier that manually records this information, such as by having their agent type information describing a wheelchair or scooter into the airline's system, DOT estimates that the airline would spend approximately 5 seconds (.00138 hours) per item to manually enter the data.[3] DOT estimates that 12,000 wheelchairs and scooters total are recorded manually per year.

**Administrative Issues**

The *Confidential Information Protection and Statistical Efficiency Act of 2002* (44 U.S.C. 3501) requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

**Public Comments Invited**

You are invited to comment on any aspect of this information collection, including: (a) Whether the collection of information is necessary for the proper performance of the functions of DOT, including whether the information will have practical utility; (b) the accuracy of DOT's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and, (d) ways to minimize the burden of the collection of information on respondents.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record on the docket.

Issued this 17th day of November 2021 at Washington, DC.

**William A. Chadwick, Jr.,**

*Director, Office of Airline Information, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.*

[FR Doc. 2021–25886 Filed 11–26–21; 8:45 am]

**BILLING CODE 4910–9X–P**

[3] The Final Rule to Amend Rules Requiring Reporting of Mishandled Baggage, Regulatory Impact Analysis, October 18, 2016, estimated a data entry burden of 5 seconds per wheelchair or scooter recorded manually. See Docket No. RITA–2011–0001–0287.

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Notice of Rate To Be Used for Federal Debt Collection, and Discount and Rebate Evaluation

**AGENCY:** Bureau of the Fiscal Service, Fiscal Service, Treasury.

**ACTION:** Notice of rate to be used for Federal debt collection, and discount and rebate evaluation.

**SUMMARY:** The Secretary of the Treasury is responsible for computing and publishing the percentage rate that is used in assessing interest charges for outstanding debts owed to the Government (The Debt Collection Act of 1982, as amended). This rate is also used by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. In addition, this rate is used in determining when agencies should pay purchase card invoices when the card issuer offers a rebate. Notice is hereby given that the applicable rate for calendar year 2022 is 1.00 percent.

**DATES:** January 1, 2022 through December 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Department of the Treasury, Bureau of the Fiscal Service, Payment Management, E-Commerce Division (LC–RM 349B), 3201 Pennsy Drive, Building E, Landover, MD 20785 (Telephone: 202–874–9428).

**SUPPLEMENTARY INFORMATION:** The rate reflects the current value of funds to the Treasury for use in connection with Federal Cash Management systems and is based on investment rates set for purposes of Public Law 95–147, 91 Stat. 1227 (October 28, 1977). Computed each year by averaging Treasury Tax and Loan (TT&L) investment rates for the 12-month period ending every September 30, rounded to the nearest whole percentage, for applicability effective each January 1. Quarterly revisions are made if the annual average, on a moving basis, changes by 2 percentage points. The rate for calendar year 2022 reflects the average investment rates for the 12-month period that ended September 30, 2021.

*Authority:* 31 U.S.C. 3717.

**Linda Claire Chero,**

*Assistant Commissioner, Payment Management and Chief Disbursing Officer.*

[FR Doc. 2021–25890 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

### Application and Renewal Fees Imposed on Surety Companies and Reinsuring Companies; Increase in Fees Imposed

**AGENCY:** Bureau of the Fiscal Service, Treasury.

**ACTION:** Notice of fees imposed on surety companies and reinsuring companies.

**SUMMARY:** The Department of the Treasury, Bureau of the Fiscal Service, is increasing the fees it imposes on and collects from surety companies and reinsuring companies, effective January 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Melvin Saunders, at (304) 480–5108 or *melvin.saunders@fiscal.treasury.gov;* or Bobbi McDonald, at (304) 480–7098 or *bobbi.mcdonald@fiscal.treasury.gov.*

**SUPPLEMENTARY INFORMATION:** The Independent Offices Appropriations Act of 1952 (IOAA), codified at 31 U.S.C. 9701, authorizes Federal agencies to establish fees for a service or thing of

value provided by the agency to members of the public. Office of Management and Budget Circular A–25 allows agencies to impose user fees for services that confer a special benefit to identifiable recipients beyond those accruing to the general public. Pursuant to 31 CFR 223.22, Treasury imposes fees on surety companies and reinsuring companies seeking to obtain or renew certification or recognition from Treasury. The fees imposed and collected cover the costs incurred by the Government for services performed reviewing, analyzing, and evaluating the companies' applications, financial statements, and other information. Treasury determines the amount of fees in accordance with the IOAA and the Office of Management and Budget Circular A–25, as amended. The change in fees is the result of a thorough analysis of costs associated with the corporate federal surety bond program.

The new fee rate schedule is as follows:

(1) Examination of a company's application for a Certificate of Authority as an acceptable surety or as an acceptable reinsuring company on Federal bonds: $10,300.

(2) Determination of a company's continued qualification for annual renewal of its Certificate of Authority: $6,000.

(3) Examination of a company's application for recognition as an Admitted Reinsurer: $3,700.

(4) Determination of a company's continued qualification for annual renewal of its authority as an Admitted Reinsurer: $2,600.

Questions concerning this notice should be directed to the Surety Bond Branch, Special Assets and Liabilities Division, Bureau of the Fiscal Service, 200 Third Street, Rm. 1010, Parkersburg, WV 26101, Telephone (304) 480–6635.

**Timothy E. Gribben,**

*Commissioner, Bureau of the Fiscal Service.*

[FR Doc. 2021–25892 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been removed from the Specially Designated Nationals and Blocked Person List (SDN List). Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one or more persons currently included on the SDN List. All property and interests in property subject to U.S. jurisdiction of these persons remain blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

**Notice of OFAC Actions**

A. On November 22, 2021, OFAC determined that circumstances no longer warrant the inclusion of the following persons on the SDN List and that their property and interests in property are no longer blocked under Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224), as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions to Combat Terrorism'' (E.O. 13224, as amended).

*Individuals*

1. AL–LIBI, Ibn Al-Shaykh (individual) [SDGT].
2. HABBASH, George (a.k.a. HABASH, George); Secretary General of POPULAR FRONT FOR THE LIBERATION OF PALESTINE (individual) [SDGT].
3. LADEHYANOY, Mufti Rashid Ahmad (a.k.a. AHMAD, Mufti Rasheed; a.k.a. LUDHIANVI, Mufti Rashid Ahmad; a.k.a. WADEHYANOY, Mufti Rashid Ahmad), Karachi, Pakistan (individual) [SDGT].
4. SAI'ID, Shaykh (a.k.a. AHMAD, Mustafa Muhammad); POB Egypt (individual) [SDGT].
5. YULDASHEV, Tohir (a.k.a. YULDASHEV, Takhir), Uzbekistan (individual) [SDGT].

B. On November 22, 2021, OFAC updated the entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under E.O. 13224, as amended.

*Individuals*

**BILLING CODE 4810–AL–P**

1. AL-ZUMAR, Abbud (a.k.a. ZUMAR, Colonel Abbud), Egypt; POB Egypt; Factional Leader of JIHAD GROUP (individual) [SDGT].

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AL-ZOMOR, Abboud Abdul Latif Hassan (Arabic: عبود عبداللطيف حسن الزمر) (a.k.a. AL-ZAMUR, Abboud Abdul Latif Hassan; a.k.a. AL-ZUMAR, Abbud; a.k.a. AL-ZUMUR, Abood Abdul Latif Hassan; a.k.a. EL-ZOMOR, Aboud Abdul Latif Hasan; a.k.a. ZUMAR, Abbud), Egypt; DOB 19 Apr 1947; POB Nahia, Giza, Egypt; nationality Egypt; Gender Male (individual) [SDGT].

2. AL-HAMATI, Muhammad (a.k.a. AL-AHDAL, Mohammad Hamdi Sadiq; a.k.a. AL-MAKKI, Abu Asim), Yemen (individual) [SDGT].

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AL-AHDAL, Mohammad Hamdi Mohammad Sadiq (Arabic: محمد حمدي محمد صادق الأهدل) (a.k.a. AL-AHDAL, Mohamed Mohamed Abdullah; a.k.a. AL-AHDAL, Muhammad Muhummad Abdullah; a.k.a. AL-HAMATI, Muhammad; a.k.a. "AL-MAKKI, Abu Asim"), Jamal street, Al-Dahima alley, Al-Hudaydah, Yemen; DOB 19 Nov 1971; POB Medina, Saudi Arabia; nationality Yemen; Gender Male; Passport 541939 (Yemen) issued 31 Jul 2000; National ID No. 216040 (Yemen) (individual) [SDGT].

3. SULAIMAN, Mohammed Ibrahim, House Number 27, Block Number 29, Manishia District, Khartoum, Sudan; P.O. Box 3372, Khartoum, Sudan; Secretary General, IARA Headquarters (individual) [SDGT].

-to-

SULAIMAN, Mohammed Ibrahim (a.k.a. SULEIMAN, Mohamed Ibrahim; a.k.a. SULIMAN, Mohammed Ibrahim), House Number 27, Block Number 29, Manishia District, Khartoum, Sudan; P.O. Box 3372, Khartoum, Sudan; DOB Aug 1946; nationality Sudan; Gender Male; Secretary General, IARA Headquarters (individual) [SDGT].

4. MOUSTFA, Djamel (a.k.a. KALED, Belkasam; a.k.a. "ALI BARKANI"; a.k.a. "MOUSTAFA"), c/o Birgit Melani Schroeder, Kuehlungsborner Strasse 30, Hamburg 22147, Germany; DOB 28 Sep 1973; alt. DOB 31 Dec 1979; alt. DOB 22 Aug 1973; POB Tiaret, Algeria; alt. POB Morocco; nationality Algeria; arrested 23 Apr 2002; currently in remand at 20355 Hamburg Holstenglacis 3, Germany (individual) [SDGT].

-to-

MOUSTFA, Djamel (Arabic: جمال مصطفى) (a.k.a. KALAD, Belkasam; a.k.a. KALED, Belkasam; a.k.a. MOSTAFA, Damel; a.k.a. MOSTAFA, Djamal; a.k.a. MOSTEFA,

Djamel; a.k.a. "ALI BARKANI"; a.k.a. "MOUSTAFA"), Algeria; DOB 28 Sep 1973; alt. DOB 31 Dec 1979; alt. DOB 22 Aug 1973; alt. DOB 25 Sep 1973; POB Mehdia, Tiaret, Algeria; alt. POB Morocco; nationality Algeria; Gender Male (individual) [SDGT].

5. ABU HAFS THE MAURITANIAN (a.k.a. AL-SHANQITI, Khalid; a.k.a. AL-WALID, Mafouz Walad; a.k.a. AL-WALID, Mahfouz Ould); DOB 01 Jan 1975 (individual) [SDGT].

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AL-WALID, Mahfouz Ould (Arabic: محفوظ ولد الوليد) (a.k.a. AL-SHANQITI, Khalid; a.k.a. AL-WALID, Mafouz Walad; a.k.a. "ABU HAFS THE MAURITANIAN"), Mauritania; DOB 01 Jan 1975; POB Mauritania; nationality Mauritania; Gender Male (individual) [SDGT].

6. JULKIPLI SALIM Y SALAMUDDIN (a.k.a. JULKIPLI, Salim; a.k.a. KIPLI, Sali); DOB 20 Jun 1976; POB Tulay, Jolo Sulu, Philippines (individual) [SDGT].

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JULKIPLI, Salim Y Salamuddin (a.k.a. JULKIPLI, Salim; a.k.a. KIPLI, Sali), Philippines; DOB 20 Jun 1976; POB Tulay, Jolo Sulu, Philippines; nationality Philippines; Gender Male (individual) [SDGT].

7. ZULKARNAEN (a.k.a. ARIF SUNARSO; a.k.a. ARIS SUMARSONO; a.k.a. ARIS SUNARSO; a.k.a. USTAD DAUD ZULKARNAEN; a.k.a. “MURSHID”; a.k.a. “ZULKARNAIN”; a.k.a. "ZULKARNAN"; a.k.a. "ZULKARNIN"); DOB 1963; POB Gebang village, Masaran, Sragen, Central Java, Indonesia; nationality Indonesia (individual) [SDGT].

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SUMARSONO, Aris (a.k.a. SUNARSO, Arif; a.k.a. SUNARSO, Aris; a.k.a. "MURSHID"; a.k.a. "USTAD DAUD ZULKARNAEN"; a.k.a. "ZULKARNAEN"; a.k.a. "ZULKARNAIN"; a.k.a. "ZULKARNAN"; a.k.a. "ZULKARNIN"), Jakarta, Indonesia; DOB 1963; POB Gebang village, Masaran, Sragen, Central Java, Indonesia; nationality Indonesia; Gender Male (individual) [SDGT].

8. INAYATULLAH (a.k.a. ENAYATULLAH, Maulawi; a.k.a. FATEHULLAH, Mullah; a.k.a. "Ghowya"), Pakistan; DOB 1972; POB Chahar Darah District, Kunduz Province, Afghanistan; Gender Male; Maulawi (individual) [SDGT] (Linked To: TALIBAN).

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INAYATULLAH, Maulawi (a.k.a. ENAYATULLAH, Maulawi; a.k.a. FATEHULLAH, Mullah; a.k.a. "Ghowya"), Pakistan; DOB 1972; POB Chahar Darah District, Kunduz Province, Afghanistan; nationality Afghanistan; Gender Male (individual) [SDGT] (Linked To: TALIBAN).

9. AFRIDI, Amanullah (a.k.a. GUL, Muhammad Aman; a.k.a. ULLAH, Aman; a.k.a. URS, Amanullah; a.k.a. "MUFTI ILYAS"), Frontier Region Kohat, Pakistan; DOB 1973; alt. DOB 1968; alt. DOB 1969; alt. DOB 1970; alt. DOB 1971; alt. DOB 1972; alt. DOB 1974; alt. DOB 1975 (individual) [SDGT].

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AFRIDI, Amanullah (a.k.a. URS, Amanullah; a.k.a. "GUL, Muhammad Aman"; a.k.a. "MUFTI ILYAS"; a.k.a. "ULLAH, Aman"), Frontier Region Kohat, Pakistan; DOB 1973; alt. DOB 1968; alt. DOB 1969; alt. DOB 1970; alt. DOB 1971; alt. DOB 1972; alt. DOB 1974; alt. DOB 1975; nationality Pakistan; Gender Male (individual) [SDGT].

10. AL-SAYYID, 'Ali Sulayman Mas'ud 'Abd (a.k.a. AL-JAWZIYYAH, Ibn al-Qayyim; a.k.a. OSMAN, Mohamed; a.k.a. SAYED, Aly Soliman Massoud Abdul; a.k.a. "AL-QAYYIM, 'Ibn"; a.k.a. "AL-ZAWL"; a.k.a. "EL-QAIM, Ibn"); DOB 1969; POB Tripoli, Libya; Passport 96/184442 (Libya) (individual) [SDGT].

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AL-SAYYID, 'Ali Sulayman Mas'ud 'Abd (a.k.a. AL-JAWZIYYAH, Ibn al-Qayyim; a.k.a. SAYED, Aly Soliman Massoud Abdul; a.k.a. "AL-QAYYIM, 'Ibn"; a.k.a. "AL-ZAWL"; a.k.a. "EL-QAIM, Ibn"; a.k.a. "OSMAN, Mohamed"); DOB 1969; POB Tripoli, Libya; nationality Libya; Gender Male; Passport 96/184442 (Libya) (individual) [SDGT].

11. MAYCHOU, Ali (a.k.a. AL SANHAJI, Abu Abdul Rahman Ali; a.k.a. AL-SANHAJI, Abou Abderrahmane; a.k.a. AL-SANHAJI, Abu 'Abd Al-Rahman Ali; a.k.a. AL-SENHADJI, Abou Abderrahman; a.k.a. Abderahmane al Maghrebi), Mali; DOB 25 May 1983; POB Taza, Morocco; nationality Morocco; Gender Male (individual) [SDGT].

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MAYCHOU, Ali (a.k.a. AL SANHAJI, Abu Abdul Rahman Ali; a.k.a. AL-SANHAJI, Abou Abderrahmane; a.k.a. AL-SANHAJI, Abu 'Abd Al-Rahman Ali; a.k.a. AL-SENHADJI, Abou Abderrahman; a.k.a. "ABDERAHMANE AL MAGHREBI"), Mali; DOB 25 May 1983; POB Taza, Morocco; nationality Morocco; Gender Male (individual) [SDGT].

12. YUSUF, Mohamed Mire Ali (a.k.a. ALI, Mohamed Mire; a.k.a. MIRE, Mohamed; a.k.a. MIRE, Mohamed Ali; a.k.a. MIRE, Muhammad), Puntland, Somalia; Dubai, United Arab Emirates; DOB 1975; alt. DOB 1974; alt. DOB 1976; nationality Somalia; Gender Male (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

-to-

YUSUF, Mohamed Mire Ali (a.k.a. ALI, Mohamed Mire; a.k.a. MIRE, Mohamed; a.k.a. MIRE, Mohamed Ali; a.k.a. MIRE, Muhammad), Puntland, Somalia; DOB 1975; alt. DOB 1974; alt. DOB 1976; nationality Somalia; Gender Male (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

13. AL-IRAQI, Abd al-Hadi (a.k.a. ABU ABDALLAH; a.k.a. AL-IRAQI, Abdal al-Hadi) (individual) [SDGT].

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AL-IRAQI, Abd al-Hadi (a.k.a. AL-IRAQI, Abdal al-Hadi), Guantanamo Bay detention center, Cuba; DOB 1961; POB Mosul, Iraq; nationality Iraq; Gender Male (individual) [SDGT].

14. ABU ZUBAYDAH (a.k.a. ABU ZUBAIDA; a.k.a. ABU ZUBEIDAH, Zeinulabideen Muhammed Husein; a.k.a. AL-WAHAB, Abd Al-Hadi; a.k.a. HUSAIN, Zain Al-Abidin Muhammad; a.k.a. HUSAYN, Zayn al-Abidin Muhammad; a.k.a. HUSSEIN, Zayn al-Abidin Muhammad; a.k.a. "TARIQ"); DOB 12 Mar 1971; POB Riyadh, Saudi Arabia; nationality Palestinian; Passport 484824 (Egypt) issued 18 Jan 1984 (individual) [SDGT].

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HUSAYN, Zayn al-Abidin Muhammad (a.k.a. ABU ZUBEIDAH, Zeinulabideen Muhammed Husein; a.k.a. HUSAIN, Zain Al-Abidin Muhammad; a.k.a. HUSSEIN, Zayn al-Abidin Muhammad; a.k.a. "ABU ZUBAIDA"; a.k.a. "ABU ZUBAYDAH"), Guantanamo Bay detention center, Cuba; DOB 12 Mar 1971; POB Riyadh, Saudi Arabia; nationality Palestinian; Gender Male; Passport 484824 (Egypt) issued 18 Jan 1984 (individual) [SDGT].

15. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul); DOB 14 Apr 1965; alt. DOB 01 Mar 1964; POB Kuwait; citizen Kuwait (individual) [SDGT].

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MOHAMMED, Khalid Shaikh, Guantanamo Bay detention center, Cuba; DOB 14 Apr 1965; alt. DOB 01 Mar 1964; POB Kuwait; citizen Kuwait; Gender Male (individual) [SDGT].

16. ISAMUDDIN, Nurjaman Riduan (a.k.a. ISOMUDDIN, Riduan; a.k.a. NURJAMAN, Encep; a.k.a. "HAMBALI"; a.k.a. "NURJAMAN"); DOB 04 Apr 1964; alt. DOB 01 Apr 1964; POB Cianjur, West Java, Indonesia; nationality Indonesia (individual) [SDGT].

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ISAMUDDIN, Nurjaman Riduan (a.k.a. ISOMUDDIN, Riduan; a.k.a. NURJAMAN, Encep; a.k.a. "HAMBALI"; a.k.a. "NURJAMAN"), Guantanamo Bay detention center, Cuba; DOB 04 Apr 1964; alt. DOB 01 Apr 1964; POB Cianjur, West Java, Indonesia; nationality Indonesia; Gender Male (individual) [SDGT].

17. BINALSHIBH, Ramzi Mohammed Abdullah (a.k.a. BIN AL SHIBH, Ramzi; a.k.a. BINALSHEIDAH, Ramzi Mohamed Abdullah; a.k.a. OMAR, Ramzi Mohammed Abdellah), Schleemer Ring 2, Hamburg 22117, Germany; Billstedter Hauptstr Apt. 14, Hamburg 22111, Germany; Emil Anderson Strasse 5, Hamburg 22073, Germany; Letzte Heller #109, Hamburg University, Hamburg 22111, Germany; Marienstr #54, Hamburg 21073, Germany; DOB 01 May 1972; alt. DOB 16 Sep 1973; POB Hadramawt, Yemen; alt. POB Khartoum Sudan; nationality Yemen; Passport R85243 (Yemen); alt. Passport A755350 (Saudi Arabia); alt. Passport 00085243 (Yemen) (individual) [SDGT].

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BINALSHIBH, Ramzi Mohammed Abdullah (a.k.a. BIN AL SHIBH, Ramzi; a.k.a. BINALSHEIDAH, Ramzi Mohamed Abdullah; a.k.a. OMAR, Ramzi Mohammed Abdellah), Guantanamo Bay detention center, Cuba; DOB 01 May 1972; alt. DOB 16 Sep 1973; POB Hadramawt, Yemen; alt. POB Khartoum Sudan; nationality Yemen; Gender Male; Passport R85243 (Yemen); alt. Passport A755350 (Saudi Arabia); alt. Passport 00085243 (Yemen) (individual) [SDGT].

*Entities*

1. BENEVOLENCE INTERNATIONAL FOUNDATION (a.k.a. AL BIR AL DAWALIA; a.k.a. BIF; a.k.a. BIF–USA; a.k.a. MEZHDUNARODNYJ BLAGOTVORITEL'NYJ FOND), 8820 Mobile Avenue, 1A, Oak Lawn, IL 60453, United States; (Formerly located at) 20–24 Branford Place, Suite 705, Newark, NJ 07102, United States; (Formerly located at) 9838 S. Roberts Road, Suite 1–W, Palos Hills, IL 60465, United States; P.O. Box 548, Worth, IL 60482, United States; Bashir Safar Ugli 69, Baku, Azerbaijan; 69 Boshir Safaroglu St., Baku, Azerbaijan; Sarajevo, Bosnia and Herzegovina; Zenica, Bosnia and Herzegovina; 3 King Street, South Waterloo, Ontario N2J 3Z6, Canada; P.O. Box 1508 Station B, Mississauga, Ontario L4Y 4G2, Canada; 2465 Cawthra Rd., #203, Mississauga, Ontario L5A 3P2, Canada; Ottawa, Canada; Grozny, Chechnya, Russia; 91 Paihonggou, Lanzhou, Gansu, China; Hrvatov 30, 41000, Zagreb, Croatia; Makhachkala, Daghestan, Russia; Duisi, Georgia; Tbilisi, Georgia; Nazran, Ingushetia, Russia; Burgemeester Kessensingel 40, Maastricht, Netherlands; House 111, First Floor, Street 64, F–10/3, Islamabad, Pakistan; Azovskaya 6, km. 3, off. 401, Moscow, Russia; P.O. Box 1055, Peshawar, Pakistan; Ulitsa Oktyabr'skaya, dom. 89, Moscow, Russia; P.O. Box 1937, Khartoum, Sudan; P.O. Box 7600, Jeddah 21472, Saudi Arabia; P.O. Box 10845, Riyadh 11442, Saudi Arabia; Dushanbe, Tajikistan; United Kingdom; Afghanistan; Bangladesh; Bosnia and Herzegovina; Gaza Strip, undetermined; Yemen; US FEIN 36–3823186 [SDGT].

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BENEVOLENCE INTERNATIONAL FOUNDATION (a.k.a. AL BIR AL DAWALIA; a.k.a. BIF–USA; a.k.a. MEZHDUNARODNYJ BLAGOTVORITEL'NYJ FOND; a.k.a. ''BIF''), Bashir Safar Ugli 69, Baku, Azerbaijan; 69 Boshir Safaroglu St., Baku, Azerbaijan; Sarajevo, Bosnia and Herzegovina; Zenica, Bosnia and Herzegovina; 3 King Street, South Waterloo, Ontario N2J 3Z6, Canada; P.O. Box 1508 Station B, Mississauga, Ontario L4Y 4G2, Canada; 2465 Cawthra Rd., #203, Mississauga, Ontario L5A 3P2, Canada; Ottawa, Canada; Grozny, Chechnya, Russia; 91 Paihonggou, Lanzhou, Gansu, China; Hrvatov 30, 41000, Zagreb, Croatia; Makhachkala, Daghestan, Russia; Duisi, Georgia; Tbilisi, Georgia; Nazran, Ingushetia, Russia; Burgemeester Kessensingel 40, Maastricht, Netherlands; House 111, First Floor, Street 64, F–10/3, Islamabad, Pakistan; Azovskaya 6, km. 3, off. 401, Moscow, Russia; P.O. Box 1055, Peshawar, Pakistan; Ulitsa Oktyabr'skaya, dom. 89, Moscow, Russia; P.O. Box 1937, Khartoum, Sudan; P.O. Box 7600, Jeddah 21472, Saudi Arabia; P.O. Box 10845, Riyadh 11442, Saudi Arabia; Dushanbe, Tajikistan; United Kingdom; Afghanistan; Bangladesh; Bosnia and Herzegovina; Gaza Strip, Palestinian; Yemen; IL, United States; US FEIN 36–3823186 [SDGT].

2. TALIB AND SONS PTY LTD, 21 Anthony Dr, 3149 Mt Waverly, Victoria, Australia; Company Number 633227488 (Australia) [SDGT] (Linked To: TALIB, Ahmed Luqman).

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TALIB AND SONS PTY LTD, 21 Anthony Dr, Mt Waverly, Victoria 3149, Australia; Company Number 633227488 (Australia) [SDGT] (Linked To: TALIB, Ahmed Luqman).

3. TRUST LIFE INSURANCE COMPANY S.A.L. (a.k.a. TRUST LIFE; a.k.a. TRUST LIFE INSURANCE CO SAL), JTB Tower, Tahweeta High Way, Elias Hraoui Avenue, Beirut, Lebanon; Jamal Trust Vabk Building, Beirut, Lebanon; Beirut, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations [SDGT] (Linked To: JAMMAL TRUST BANK S.A.L.).

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TRUST LIFE INSURANCE COMPANY S.A.L. (a.k.a. TRUST LIFE; a.k.a. TRUST LIFE INSURANCE CO SAL), JTB Tower, Tahweeta High Way, Elias Hraoui Avenue, Beirut, Lebanon; Jamal Trust Bank Building, Beirut, Lebanon; Beirut, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Organization Established Date 16 Aug 2001; Registration Number 77138 (Lebanon) [SDGT] (Linked To: JAMMAL TRUST BANK S.A.L.).

C. On November 22, 2021, OFAC resolved one or more duplicate entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under both Executive Order 13582 of August

17, 2011, ''Blocking Property of the Government of Syria and Prohibiting Certain Transactions With Respect to Syria'' and E.O. 13224, as amended. For each duplicate pair, OFAC updated one entry and removed one entry on the SDN List.

*Updated Entries*

1. SHUKR, Fu'ad (a.k.a. CHAKAR, Fu'ad; a.k.a. ''CHAKAR, Al-Hajj Mohsin''), Harat Hurayk, Lebanon; Ozai, Lebanon; Al-Firdaws Building, Al-'Arid Street, Haret Hreik, Lebanon; DOB 1962; POB An Nabi Shit, Ba'labakk, Biqa' Valley, Lebanon; alt. POB Beirut, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations (individual) [SYRIA] (Linked To: HIZBALLAH).

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SHUKR, Fu'ad (a.k.a. CHAKAR, Fu'ad; a.k.a. CHAKAR, Fouad Ali; a.k.a. ''CHAKAR, Al-Hajj Mohsin''), Harat Hurayk, Lebanon; Ozai, Lebanon; Al-Firdaws Building, Al-'Arid Street, Haret Hreik, Lebanon; Damascus, Syria; DOB 15 Apr 1961; alt. DOB 1962; POB An Nabi Shit, Ba'labakk, Biqa' Valley, Lebanon; alt. POB Beirut, Lebanon; nationality Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; Passport RL2418369 (Lebanon) (individual) [SDGT] [SYRIA] (Linked To: HIZBALLAH).

2. AQIL, Ibrahim (a.k.a. AKIEL, Ibrahim Mohamed; a.k.a. AKIL, Ibrahim Mohamed); DOB 24 Dec 1962; alt. DOB 01 Jan 1962; POB Bidnayil, Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations (individual) [SYRIA] (Linked To: HIZBALLAH).

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AQIL, Ibrahim (a.k.a. AKIEL, Ibrahim Mohamed; a.k.a. AKIL, Ibrahim Mohamed; a.k.a. 'AQIL, Abd al-Qadr; a.k.a. 'AQIL, Ibrahim; a.k.a. MEHDI, Ghosn Ali Abdel; a.k.a. '' 'ABD-AL-QADIR''; a.k.a. ''TAHSIN''), Syria; Lebanon; DOB 24 Dec 1962; alt. DOB 01 Jan 1962; alt. DOB 20 Mar 1961; alt. DOB 1958; POB Bidnayil, Lebanon; alt. POB Younine, Lebanon; nationality Lebanon; Additional Sanctions Information—Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male (individual) [SDGT] [SYRIA] (Linked To: HIZBALLAH).

*Removed Entries*

1. SHUKR, Fu'ad (a.k.a. CHAKAR, Al-Hajj Mohsin; a.k.a. CHAKAR, Fouad Ali; a.k.a. CHAKAR, Fu'ad), Harat Hurayk, Lebanon; Ozai, Lebanon; Al-Firdaqs Building, Al-'Arid Street, Haret Hreik, Lebanon; Damascus, Syria; DOB 15 Apr 1961; alt. DOB 1962; POB An Nabi Shit, Ba'labakk, Biaq' Valley, Lebanon; alt. POB Beirut, Lebanon; nationality Lebanon; Gender Male; Passport RL2418369 (Lebanon) (individual) [SDGT].

2. 'AQIL, Ibrahim (a.k.a. AKIEL, Ibrahim Mohamed; a.k.a. AKIL, Ibrahim Mohamed; a.k.a. 'AQIL, Abd al-Qadr; a.k.a. MEHDI, Ghosn Ali Abdel; a.k.a. '' 'ABD-AL-QADIR''; a.k.a. ''TAHSIN''); DOB 24 Dec 1962; alt. DOB 01 Jan 1962; alt. DOB 20 Mar 1961; alt. DOB 1958; POB Bidnayil, Lebanon; alt. POB Younine, Lebanon; nationality Lebanon; Gender Male; Sheikh (individual) [SDGT].

Dated: November 22, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021–25884 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AL–C**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

#### Notice of OFAC Action(s)

On November 22, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

*Individual*

1. KHALOZAI, Ismatullah (a.k.a. KHALOUZAI, Asmatullah; a.k.a. ''KHEL, Sher Omar''), Kabul City, Kabul District, Kabul Province, Afghanistan; DOB 01 Jan 1995; POB Baba Zangi Village, Fabri Qand City, Baghlan-e Jadid District, Baghlan Province, Afghanistan; nationality Afghanistan; Gender Male (individual) [SDGT] (Linked To: ISIL KHORASAN).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ISIL–KHORASAN, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Dated: November 22, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021–25885 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:** OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Assistant Director for Regulatory Affairs, tel. 202–622–4855.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

**Notice of OFAC Actions**

On November 12, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

*Individuals*

1. NEMARIAM, Abraha Kassa (a.k.a. KASSA, Abraha; a.k.a. KASSA, Wedi), Eritrea; DOB 15 Jul 1953; POB Eritrea; nationality Eritrea; Gender Male; Passport D000294 (Eritrea) (individual) [ETHIOPIA–EO14046].

Designated pursuant to section 1(f)(iii) of E.O. 14046 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of Eritrea or its ruling People's Front for Democracy and Justice on or after November 1, 2020, where the leader, official, senior executive officer, or director is responsible for or complicit in, or who has directly or indirectly engaged or attempted to engage in, any activity contributing to the crisis in northern Ethiopia.

2. W KIDAN, Hagos Ghebrehiwet (a.k.a. WELDEKIDANE, Hagos Ghebrehiwet; a.k.a. WOLDEKIDAN, Hagos Ghebrehiwet), Asmara, Eritrea; DOB 25 Apr 1953; POB Senafe, Eritrea; nationality Eritrea; Gender Male; National ID No. 0882109 (Eritrea) (individual) [ETHIOPIA–EO14046].

Designated pursuant to section 1(g) of E.O. 14046 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of the People's Front for Democracy and Justice.

*Entities*

1. PEOPLE'S FRONT FOR DEMOCRACY AND JUSTICE, Eritrea; Organization Established Date 1993; Organization Type: Activities of political organizations [ETHIOPIA–EO14046].

Designated pursuant to section 1(c) of E.O. 14046 for being an entity, including any government entity or a political party, that has engaged in, or whose members have engaged in, activities that have contributed to the crisis in northern Ethiopia or have obstructed a ceasefire or peace process to resolve such crisis.

2. ERITREAN DEFENSE FORCES (a.k.a. ERITREAN DEFENSE FORCE), Eritrea; Organization Established Date 1993; Target Type Government Entity [ETHIOPIA–EO14046].

Designated pursuant to section 1(c) of E.O. 14046 for being an entity, including any government entity or a political party, that has engaged in, or whose members have engaged in, activities that have contributed to the crisis in northern Ethiopia or have obstructed a ceasefire or peace process to resolve such crisis.

3. RED SEA TRADING CORPORATION, Felket Street, Asmara, Eritrea; Dubai, United Arab Emirates; Organization Established Date 1984 [ETHIOPIA–EO14046].

Designated pursuant to section 1(h) of E.O. 14046 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Hagos Ghebrehiwet W Kidan.

4. HIDRI TRUST, Felket Street, Asmara, Eritrea; Organization Established Date 1994 [ETHIOPIA–EO14046].

Designated pursuant to section 1(h) of E.O. 14046 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the People's Front for Democracy and Justice.

Dated: November 12, 2021.

**Bradley T. Smith,**

*Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2021–25957 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Low Sulfur Diesel Fuel Production Credit

**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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning low sulfur diesel fuel production credit.

**DATES:** Written comments should be received on or before January 28, 2022 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 should be directed to Kerry Dennis, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Low Sulfur Diesel Fuel Production Credit.

*OMB Number:* 1545–1914.

*Form Number:* Form 8896.

*Abstract:* IRC section 45H allows small business refiners to claim a credit for the production of low sulfur diesel fuel. The American Jobs Creation Act of 2004 section 399 brought it into existence. Form 8896 will allow taxpayers to use a standardized format to claim this credit.

*Current Actions:* There are no changes to the form or burden previously approved.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 66.

*Estimated Time per Respondent:* 3 hours, 59 minutes.

*Estimated Total Annual Burden Hours:* 260.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 23, 2021.

**Kerry L. Dennis,**

*Tax Analyst.*

[FR Doc. 2021–25959 Filed 11–26–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Tax Treatment of Salvage and Reinsurance

**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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning tax treatment of salvage and reinsurance.

**DATES:** Written comments should be received on or before January 28, 2022 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 should be directed to Kerry Dennis, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.Dennis@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Tax Treatment of Salvage and Reinsurance.

*OMB Number:* 1545–1227.

*Regulation Project Number:* TD 8857.

*Abstract:* Section 1.832–4(d) of this regulation allows a nonlife insurance company to increase unpaid losses on a yearly basic by the amount of estimated salvage recoverable if the company discloses this to the state insurance regulatory authority.

*Current Actions:* There is no change the burden previously approved.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2,500.

*Estimated Time per Respondent:* 2 hours.

*Estimated Total Annual Burden Hours:* 5,000.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 23, 2021.

**Kerry L. Dennis,**

*Tax Analyst.*

[FR Doc. 2021–25955 Filed 11–26–21; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Postponement of Periodic Meeting of the Department of the Treasury Tribal Advisory Committee

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of cancellation of public meeting.

**SUMMARY:** This notice announces the postponement of the ninth public meeting of the Department of the Treasury Tribal Advisory Committee (TTAC) originally scheduled to take place on Wednesday, December 1, 2021, from 1:00 p.m.–4:00 p.m. Eastern Time. A new notice will be published in the **Federal Register** to announce the rescheduled date and time of the ninth public meeting of the TTAC.

**DATES:** The public meeting of the TTAC originally scheduled for Wednesday, December 1, 2021, from 1:00 p.m.–4:00 p.m. Eastern Time is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Krishna P. Vallabhaneni, Designated Federal Officer, Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 3040, Washington, DC 20220 or by emailing *TTAC@treasury.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Background

Section 3 of the Tribal General Welfare Exclusion Act of 2014, Public Law 113–68, 128 Stat. 1883, enacted on September 26, 2014 (TGWEA), directs the Secretary of the Treasury (Secretary) to establish a seven-member Tribal Advisory Committee to advise the Secretary on matters related to the taxation of Indians, the training of Internal Revenue Service (IRS) field agents, and the provision of training and technical assistance to Native American financial officers. Section 3(c) of the TGWEA provides that the seven members of the TTAC are to be appointed as follows:

(A) Three members appointed by the Secretary.

(B) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Ways and Means of the House of Representatives.

(C) One member appointed by the Chairman, and one member appointed by the Ranking Member, of the Committee on Finance of the Senate.

Both the TTAC's charter (most recently renewed on March 16, 2021) and the TTAC's bylaws (adopted by the TTAC on September 18, 2019) provide that the TTAC shall operate under the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 1 *et seq.* The FACA requires that meetings of the TTAC shall be open to the public (public meetings) and that timely notice of each public meeting shall be published in the **Federal Register**. The FACA also requires that an officer or employee of the Federal Government serve as the Designated Federal Officer (DFO) of the TTAC and prohibits the TTAC from holding any public meeting except at the call of, or with the advance approval of, the DFO. The FACA further authorizes the DFO, whenever the DFO determines it to be in the public interest, to adjourn any public meeting of the TTAC.

Section 3(c) of the TGWEA provides that the membership terms of the TTAC members last for four (4) years, except for the initial appointments made by the Secretary which last two (2) years for the purpose of staggering terms going forward. The TTAC's bylaws provide that all initial appointment terms commence from the date of the first public meeting of the TTAC, and the term of any subsequently appointed member begins on the date of the member's appointment. The TTAC's bylaws also require a quorum of the TTAC members to be established before the TTAC may take action, which the bylaws provide is established by a simple majority of the TTAC members being present, including the Chairperson and/or Vice-Chairperson.

The DFO of the TTAC convened the first public meeting of the TTAC on

June 20, 2019. Accordingly, the terms of the members initially appointed by the Secretary expired on June 19, 2021. The terms of the members initially appointed by the Chairmen and Ranking Members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate expire on June 19, 2023, although the TTAC member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives resigned effective March 15, 2021.

In accordance with the FACA (5 U.S.C. App. 10(a)(2)) and implementing regulations at 41 CFR 102–3.150, the DFO of the TTAC, ordered publication of a notice in the **Federal Register** (86 FR 60742) to inform the public that the TTAC would convene its ninth public meeting on Wednesday, December 1, 2021, from 1:00 p.m.–4:00 p.m. Eastern Time via video conference. However, in addition to the unfilled vacancies on the TTAC created on March 15, 2021, and June 19, 2021, the TTAC member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives resigned effective November 10, 2021. As noted in the Call for Nominations for Secretary Appointments to the TTAC published in the **Federal Register** (86 FR 17264) on April 1, 2021, all TTAC members must submit to a pre-appointment tax and criminal background investigation in accordance with Treasury Directive 21–03. Since the IRS tax compliance checks and Federal Bureau of Investigation (FBI) background investigations required for at least two additional TTAC members will not be completed by the originally scheduled date for the ninth public meeting, the DFO of the TTAC has concluded there would be an absence of a quorum if a public meeting were held on December 1, 2021, prohibiting the TTAC from taking any action.

In accordance with the FACA (5 U.S.C. App. 10(e) and (f)), Krishna P. Vallabhaneni, the DFO of the TTAC, has determined it to be in the public interest to postpone the ninth public meeting of the TTAC to a future date and has ordered publication of this notice to inform the public that the TTAC meeting originally scheduled for Wednesday, December 1, 2021, from 1:00 p.m.–4:00 p.m. Eastern Time is cancelled. A new notice will be published in the **Federal Register** to announce the rescheduled date and time of the ninth public meeting of the TTAC.

**Krishna P. Vallabhaneni,**

*Tax Legislative Counsel.*

[FR Doc. 2021–25945 Filed 11–26–21; 8:45 am]

**BILLING CODE 4810–AK–P**


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Part II

## Securities and Exchange Commission

Consolidated Tape Association; Notice of Filing of the Thirty-Seventh Substantive Amendment to the Second Restatement of the CTA Plan and Twenty-Eighth Substantive Amendment to the Restated CQ Plan; Notice

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–93615; File No. SR–CTA/CQ–2021–02]**

## Consolidated Tape Association; Notice of Filing of the Thirty-Seventh Substantive Amendment to the Second Restatement of the CTA Plan and Twenty-Eighth Substantive Amendment to the Restated CQ Plan

November 29, 2021.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on November 5, 2021,[3] the Participants[4] in the Second Restatement of the Consolidated Tape Association (''CTA'') Plan and Restated Consolidated Quotation (''CQ'') Plan (collectively ''CTA/CQ Plans'' or ''Plans'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposal to amend the Plans. These amendments represent the Thirty-Seventh Substantive Amendment to the CTA Plan and Twenty-Eighth Substantive Amendment to the CQ Plan (''Amendments''). Under the Amendments, the Participants propose to amend the Plans to implement the non-fee-related aspects of the Commission's Market Data Infrastructure Rules (''MDI Rules'').[5] The Participants have submitted a separate amendment to adopt fees for the receipt of the expanded content of consolidated market data pursuant to the MDI Rules.

The proposed Amendments have been filed by the Participants pursuant to Rule 608(b)(2) under Regulation NMS.[6] The Commission is publishing this notice to solicit comments from interested persons on the proposed Amendments. Set forth in Sections I and II, which were prepared and submitted to the Commission by the Participants, is the statement of the purpose and summary of the Amendments, along with information pursuant to Rules 608(a) and 601(a) under the Act. Copies of the Plans marked to show the proposed Amendments are Attachments A and B to this notice.

### I. Rule 608(a)

*A. Purpose of the Amendments*

On December 9, 2020, the Commission adopted amendments to Regulation NMS. The effective date of the final MDI Rules was June 8, 2021. New Rule 614(e) of Regulation NMS, as set forth in the MDI Rules, provides that ''[t]he participants to the effective national market system plan(s) for NMS stocks shall file with the Commission . . . an amendment that includes [the provisions specified in Rule 614(e)(1)—(5)] within 150 calendar days from June 8, 2021[,]'' which is November 5, 2021. The Participants are filing the above-captioned amendments to comply with Rule 614(e) requirements. As further specified in the MDI Rules Release, the Participants must also submit updated fees regarding the receipt and use of the expanded content of consolidated market data.[7] The Participants are submitting separate amendments to the Plans to propose such fees.

Below, the Participants summarize the proposed amendment to each of the Plans to comply with Rule 614(e) of the MDI Rules.[8]

1. Changes to CTA Plan

Preface

The Participants propose to amend the Preface to state that terms used in the CTA Plan will have the same meaning as such terms are defined in Rule 600(b) under the Securities Exchange Act of 1934 (the ''Exchange Act'').

Section IV

The Participants propose to add Section IV.(e) to state that the Participants will publish on the CTA Plan's website: (1) The Primary Listing Exchange for each Eligible Security; and (2) on a monthly basis, the consolidated market data gross revenues for Eligible Securities as specified by Tape A and Tape B securities. This addition is designed to comply with the requirements of Rule 614(e)(4) and (5)(i) and (iii).

Section V

The Participants propose to amend the heading of Section V to reference Competing Consolidators in addition to the Plan Processor. The Participants propose adding Section V.(f) to state that, on an annual basis, the Operating Committee will assess the performance of Competing Consolidators, prepare an annual report containing such assessment, and furnish the report to the Commission prior to the second quarterly meeting of the Operating Committee. These additions are designed to comply with the requirements of Rule 614(e)(3).

In addition, Rule 614(d)(5) requires Competing Consolidators to publish prominently on their websites monthly performance metrics, which are to be defined by the Plans. Accordingly, the Participants propose to amend Section V to define such ''monthly performance metrics,'' in accordance with the requirements of Rule 614(d)(5) and sub-paragraphs (i)—(v) thereof.[9]

Section VI

The Participants propose to amend Section VI.(c) to reference Competing Consolidators and Self-Aggregators in addition to the Plan Processor in connection with the reporting format and technical specifications of last sale price information. In addition, the Participants propose to add a sub-bullet to require the reporting of the time that a Participant made the last sale price information available to Competing Consolidators and Self-Aggregators, reported in microseconds. These additions are designed to comply with the requirements of Rules 614(e)(1) and (2).

Finally, the Participants propose removing Section VI.(g) to remove references to the Intermarket Trading System (''ITS'') as the ITS is obsolete.

Section VIII

The Participants propose to amend Section VIII.(a) to add the requirement that each Participant agrees to collect

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] *See* Letter from Robert Books, Chair, CTA/CQ Operating Committee, to Vanessa Countryman, Secretary, Commission (Nov. 5, 2021).

[4] The Participants are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., The Investors' Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX, Inc., The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the ''Participants'').

[5] Securities Exchange Act Release No. 90610, 86 FR 18596 (April 9, 2021) (File No. S7–03–20) (''MDI Rules Release'').

[6] 17 CFR 242.608(b)(2).

[7] MDI Rules Release at 18699.

[8] As the Commission is aware, some of the SROs (the ''Petitioners'') have challenged the MDI Rules Release in the D.C. Circuit. The Petitioners have joined in this submission, including the statement that the Plan amendments comply with the MDI Rules Release, solely to satisfy the requirements of the MDI Rules Release and Rule 608. Nothing in this submission should be construed as abandoning any arguments asserted in the D.C. Circuit, as an agreement by Petitioners with any analysis or conclusions set forth in the MDI Rules Release, or as a concession by Petitioners regarding the legality of the MDI Rules Release. Petitioners reserve all rights in connection with their pending challenge of the MDI Rules Release, including *inter alia,* the right to withdraw the proposed amendment or assert that any action relating to the proposed amendment has been rendered null and void, depending on the outcome of the pending challenge. Petitioners further reserve all rights with respect to this submission, including *inter alia,* the right to assert legal challenges regarding the Commission's disposition of this submission.

[9] MDI Rules Release at 18673.

and report to Competing Consolidators and Self-Aggregators all last sale price information in the same manner and using the same methods, including all methods of access and the same format, as such Participant makes available any information with respect to quotations for and transactions in Eligible Securities to any person. Additionally, the Participants propose to amend Section VIII.(b) to refer to the Competing Consolidators and the Self-Aggregators in addition to referring to the Processor when discussing FINRA's responsibilities. These additions are designed to comply with the requirements of Rule 614(e)(1).

The Participants propose to delete Section VIII.(c) to delete the requirement that each Participant provide a description of the procedures by which it collects and reports last sale price information to the Processor. The Participants believe this provision is no longer relevant under the MDI Rules, which replaces the Processor with Competing Consolidators and Self-Aggregators.

Section IX

The Participants propose revising Section IX.(a) to make clear that that the current market data contracts regarding the receipt of market data will be applicable to the Competing Consolidators and Self-Aggregators. The Participants believe that this change is consistent with Rule 614(e)(1) and is necessary since the Competing Consolidators and Self-Aggregators will be receiving and using consolidated market data, and any such parties should be subject to the same contracts applicable to vendors and subscribers.

Section XI

The Participants propose revising Section XI to include references to notifying Competing Consolidators and Self-Aggregators in addition to the Processor in connection with Regulatory and Operational Halts. The Participants believe these additions are consistent with the requirements of Rule 614(e)(1) and are necessary to ensure that such entities are notified of information related to Regulatory and Operational Halts and, with respect to Competing Consolidators, can further disseminate such information to their customers.

2. Changes to CQ Plan

Preface

The Participants propose to amend the Preface to state that terms used in the CQ Plan will have the same meaning as such terms are defined in Rule 600(b) under the Exchange Act.

Section IV

The Participants propose to add Section IV.(e) to state that the Participants will publish on the CQ Plan's website: (1) The Primary Listing Exchange for each Eligible Security; and (2) on a monthly basis, the consolidated market data gross revenues for Eligible Securities as specified by Tape A and Tape B securities. This addition is designed to comply with the requirements of Rule 614(e)(4) and (5)(i) and (iii).

Section V

The Participants propose to amend the heading of Section V to reference Competing Consolidators in addition to the Processor. The Participants propose adding Section V.(f) to state that, on an annual basis, the Operating Committee will assess the performance of Competing Consolidators, prepare an annual report containing such assessment, and furnish the report to the Commission prior to the second quarterly meeting of the Operating Committee. The Participants have also defined ''monthly performance metrics'' in accordance with the requirements of Rule 614. These additions are designed to comply with the requirements of Rule 614(e)(3).

Section VI

The Participants propose to amend Sections VIII.(a) and (b) to add the requirement that each Participant agrees to collect and report to Competing Consolidators and Self-Aggregators all quotation data in the same manner and using the same methods, including all methods of access and the same format, as such Participant makes available any information with respect to quotations for and transactions in Eligible Securities to any person. These additions are designed to comply with the requirements of Rule 614(e)(1).

The Participants propose removing a reference to ITS/CAES BBO in Section VI.(d) as such references to ITS/CAES are outdated. The Participants also propose removing Section VI.(f) as the provisions are no longer relevant.

Section VII

The Participants propose revising Section IX.(a) to make clear that that the current market data contracts will be applicable to the Competing Consolidators and Self-Aggregators. The Participants believe that this change is consistent with Rule 614(e)(1) and is necessary since the Competing Consolidators and Self-Aggregators will receiving and using consolidated market data, and any such party should be subject to the same contracts applicable to vendors and subscribers.

*B. Governing or Constituent Documents*

Not applicable.

*C. Implementation of Amendment*

Each of the Participants has approved the amendments in accordance with Section IV.(b) of the CTA Plan and Section IV.(c) of the CQ Plan, as applicable.

*D. Development and Implementation Phases*

The amendments proposed herein would be implemented to coincide with the phased implementation of the MDI Rules as required by the Commission.

*E. Analysis of Impact on Competition*

The Participants believe that the proposed amendments comply with the requirements of the MDI Rules, which have been approved by the Commission.

*F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plans*

Not applicable.

*G. Approval by Sponsors in Accordance With Plans*

Section IV.(c)(i) of the CQ Plan and Section IV.(b)(i) of the CTA Plan require the Participants to unanimously approve the amendments proposed herein. They have so approved it.

*H. Description of Operation of Facility Contemplated by the Proposed Amendments*

Not applicable.

*I. Terms and Conditions of Access*

Not applicable.

*J. Method of Determination and Imposition, and Amount of, Fees and Charges*

Not applicable.

*K. Method and Frequency of Processor Evaluation*

Not applicable.

*L. Dispute Resolution*

Not applicable.

**II. Rule 601(a) (Solely With Respect to Amendments to the CTA Plan)**

*A. Reporting Requirements*

Not applicable.

*B. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information*

The Participants propose to amend Section VIII.(a) to add the requirement

that each Participant agrees to make available to all Competing Consolidators and Self-Aggregators its information with respect to quotations for and transactions in NMS stocks, including all data necessary to generate consolidated market data, and in the same manner and using the same methods, including all methods of access and the same format, as such Participant makes available any information with respect to quotations for and transactions in Eligible Securities to any person. Additionally, the Participants propose to amend Section VIII.(b) to refer to the Competing Consolidators and Self-Aggregators in addition to referring to the Processor when discussing FINRA's responsibilities. These additions are designed to comply with the requirements of the MDI Rules.

*C. Manner of Consolidation*

Not applicable.

*D. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports*

Not applicable.

*E. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination*

Not applicable.

*F. Terms of Access to Transaction Reports*

Not applicable.

*G. Identification of Marketplace of Execution*

Not applicable.

**III. Solicitation of Comments**

The Commission seeks comments on the Amendments. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendments are consistent with the Act and the rules and regulations thereunder applicable to national market system plans. 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–CTA/CQ–2021–02 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–CTA/CQ–2021–02. 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 website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all written statements with respect to the proposed Amendments that are filed with the Commission, and all written communications relating to the proposed Amendments 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 3:00p.m. Copies of the filing will also be available for website viewing and printing at the principal office of the Plans. 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–CTA/CQ–2021–02 and should be submitted on or before December 20, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

**Attachments**

Attachment A—Proposed Changes to the CTA Plan

Attachment B—Proposed Changes to the CQ Plan

[10] 17 CFR 200.30–3(a)(85).

**ATTACHMENT A**

**PROPOSED CHANGES TO THE CTA PLAN**

**(Additions are *italicized;* Deletions are in [brackets])**

SECOND RESTATEMENT OF PLAN

SUBMITTED TO

THE SECURITIES AND EXCHANGE COMMISSION

PURSUANT TO RULE 11Aa3–1 UNDER

THE SECURITIES EXCHANGE ACT OF 1934

The undersigned hereby submit to the Securities and Exchange Commission (the ''SEC'') the following amendment to and restatement of the ''CTA Plan'', that is, the plan (1) that certain of the Participants filed for the dissemination on a current and continuous basis of last sale prices of transactions in Eligible Securities and related information in order to comply with Rule 11Aa3–1 (previously designated as Rule 17a–15) under the Securities Exchange Act of 1934 (the ''Act'') and (2) that the SEC declared effective as of May 17, 1974, pursuant to Section 11A(a)(3)(B) of the Act, as that plan has been heretofore restated and amended. *Terms used in this plan have the same meaning as the terms defined in Rule 600(b) under the Act.*

**I. Definitions**

(a) ''Act'' means the Securities Exchange Act of 1934, as from time to time amended.

(b) ''Consolidated Tape Association'' (''CTA'') means the committee of representatives of the Participants described in Section IV hereof.

(c) ''CTA Network A'' refers to the System as utilized to make available ''CTA Network A information'' (that is, last sale price information relating to Network A Eligible Securities).

(d) ''CTA Network B'' refers to the System as utilized to make available ''CTA Network B information'' (that is, last sale price information relating to Network B Eligible Securities).

(e) A ''CTA network's information'' means either CTA Network A information or CTA Network B information.

(f) A ''CTA network's Participants'' means either the Participants that report CTA Network A information (the ''Network A Participants'') or the Participants that report CTA Network B information (the ''Network B Participants'').

(g) ''CTA Plan'' means the plan set forth in this instrument, as filed with the SEC in accordance with a

predecessor to Rule 608 of Regulation NMS under the Act, as approved by the SEC and declared effective as of May 17, 1974, and as from time to time amended in accordance with the provisions thereof.

(h) ''Eligible Security''—See Section VII.

(i) ''Exchange'' means a securities exchange that is registered as a national securities exchange under Section 6 of the Act.

(j) ''High speed line'' means the high speed data transmission facility in its employment as a vehicle for making available last sale price information to vendors and other persons on a current basis, regardless of any delay in the dissemination of that information over the Network A ticker or the Network B ticker, as described in Section VI(b) hereof.

(k) ''Interrogation device'' means any terminal or other device, including, without limitation, any computer, data processing equipment, communications equipment, cathode ray tube, monitor or audio voice response equipment, technically enabled to display, transmit or otherwise communicate, upon inquiry, transaction reports or last sale price information in visual, audible or other comprehensible form.

(l) ''Interrogation service'' means any service that permits securities information retrieval by means of an interrogation device.

(m) ''Last sale price information'' means (i) the last sale prices reflecting completed transactions in Eligible Securities, (ii) the volume and other information related to those transactions, (iii) the identifier of the Participant furnishing the prices and (iv) other related information.

(n) ''Listed equity security'' means any equity security that is registered for trading on an exchange Participant.

(o) ''Market minder'' means any service provided by a vendor on an interrogation device or other display which (i) permits monitoring, on a dynamic basis, of transaction reports or last sale price information with respect to a particular security, and (ii) displays the most recent transaction report or last sale price information with respect to that security until such report or information has been superseded or supplemented by the display of a new transaction report or new last sale price information reflecting the next reported transaction in that security.

(p) ''Network A Eligible Securities'' means Eligible Securities listed on NYSE.

(q) ''Network B Eligible Securities'' means Eligible Securities listed on the AMEX, BATS, BATS Y, BSE, CBOE, CHX, EDGA, EDGX, ISE, IEX, LTSE, MEMX, MIAX, NSX, NYSE Arca, PHLX or on any other exchange other than Nasdaq, but not also listed on NYSE. For the purposes of this section 1(q), the term ''listed'' shall include Eligible Securities that an exchange Participant trades pursuant to the unlisted trading privileges granted by section 12(f)(1)(F) of the Act.

(r) ''Network A ticker'' refers to the low speed 900-character per minute ticker facility that carries last sale price information in respect of Network A Eligible Securities.

(s) ''Network B ticker'' refers to the low speed 900-character per minute ticker facility that carries last sale price information in respect of Network B Eligible Securities.

(t) A ''network's administrator'' means (a) in respect of CTA Network A, NYSE and (b) in respect to CTA Network B, AMEX or, as to those CTA Network B functions that NYSE performs in place of AMEX pursuant to Section IX(f), NYSE.

(u) ''Other reporting party''—See Section III(d).

(v) ''Participant'' means a party to this CTA Plan with respect to which such plan has become effective pursuant to Section XIV(d) hereof.

(w) ''Person'' means a natural person or proprietorship, or a corporation, partnership or other organization.

*(x)* ''*Primary Listing Exchange*'' *means the national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Exchange means the exchange on which the security has been listed the longest.*

[(x)]*(y)* ''Processor'' means the organization designated as recipient and processor of last sale price information furnished by Participants pursuant to this CTA Plan, as Section V describes.

[(y)]*(z)* ''Rule'' means Rule 601 of Regulation NMS (previously designated as Rule 11Aa3–1 and, before that, as 17a15, and as from time to time amended) under the Act.

[(z)]*(aa)* ''Subscriber'' means a recipient of a ticker display service, interrogation service, market minder service, or other service involving a CTA network's last sale price information.

[(aa)]*(bb)* ''System'' means the ''Consolidated Tape System''; that is, the legal, operational and administrative framework created by, and pursuant to, this CTA Plan for the making available of last sale price information, and the use of that information, as described in Section IX hereof.

[(bb)]*(cc)* ''Ticker display'' means a continuous moving display of transaction reports or last sale price information (other than a market minder) provided on an interrogation or other display device.

[(cc)]*(dd)* ''Transaction report'' means a report containing the last sale price information associated with the purchase or sale of a security.

[(dd)]*(ee)* ''Vendor'' means any person engaged in the business of disseminating transaction reports or last sale price information with respect to transactions in listed equity securities to brokers, dealers, investors or other persons, whether through an electronic communications network, ticker display, interrogation device, or other service involving last sale price information.

## II. Purpose of this CTA Plan

The purpose of this CTA Plan is to enable the Participants, through joint procedures as provided in paragraph (a) of Rule 608 of Regulation NMS under the Act, to comply with the requirements of the Rule.

## III. Parties

(a) List of parties. The parties to this CTA Plan are as follows:

Cboe BYX Exchange, Inc. (''BYX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe BZX Exchange, Inc. (''BZX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe EDGA Exchange, Inc. (''EDGA''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe EDGX Exchange, Inc. (''EDGX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe Exchange, Inc. (''Cboe''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Financial Industry Regulatory Authority, Inc. (''FINRA''), registered as a national securities association under the Act and having its principal place of business at 1735 K Street NW, Washington, DC 20006.

Investors' Exchange LLC (''IEX''), registered as a national securities exchange under the Act and having its principal place of business at 3 World Trade Center, 58th Floor, New York, New York 10007.

Long-Term Stock Exchange, Inc. (''LTSE''), registered as a national securities exchange under the Act and having its principal place of business at 300 Montgomery St., Ste 790, San Francisco CA 94104.

MEMX LLC (''MEMX''), registered as a national securities exchange under the ACT and having its principal place of business at 111 Town Square Place, Suite 520, Jersey City, New Jersey 07310.

MIAX PEARL, LLC (''MIAX''), registered as a national securities exchange under the Act and having its principal place of business at 7 Roszel Road, Suite 1A, Princeton, New Jersey 08540.

Nasdaq BX, Inc. (''BSE''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

Nasdaq ISE, LLC (''ISE''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

Nasdaq PHLX LLC (''PHLX''), registered as a national securities exchange under the Act and having its principal place of business at FMC Tower, Level 8, 2929 Walnut Street, Philadelphia, Pennsylvania 19104.

The Nasdaq Stock Market LLC (''Nasdaq''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

New York Stock Exchange LLC (''NYSE''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE American LLC (''AMEX''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE Arca, Inc. (''NYSE Arca''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE Chicago, Inc. (''NYSE Chicago''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE National, Inc. (''NSX''), registered as a national securities exchange under the Act and having its principal place of business at 101 Hudson, Suite 1200, Jersey City, NJ 07302.

(b) Participants. By subscribing to this CTA Plan and submitting it for filing with the SEC, each of the Participants agrees to comply to the best of its ability with the provisions of this CTA Plan.

(c) Procedure for Participant entry.

(1) In General. The Participants agree that any other exchange, or any national securities association registered under the Act, may become a Participant by:

A. Subscribing to, and submitting for filing with the SEC, this CTA Plan;

B. executing all applicable contracts made pursuant to this CTA Plan, or otherwise necessary to its participation;

C. paying the applicable ''Participation Fee''; and

D. paying ''provisioning costs'' to the Processor.

Any such new Participant shall be subject to all resolutions, decisions and actions properly made or taken pursuant to this CTA Plan prior to its becoming a Participant.

(2) ''Participation Fee''. In determining the amount of the Participation Fee to be paid by any new Participant, the Participants shall consider one or both of the following:

- The portion of costs previously paid by CTA for the development, expansion and maintenance of CTA's facilities which, under generally accepted accounting principles, could have been treated as capital expenditures and, if so treated, would have been amortized over the five years preceding the admission of the new Participant (and for this purpose all such capital expenditures shall be deemed to have a five-year amortizable life); and
- previous Participation Fees paid by other new Participants.

The Participation Fee shall be paid to the Participants in this CTA Plan and the ''Participants'' in the CQ Plan. A single Participation Fee allows the new Participant to participate in both Plans. If a new Participant does not agree with the calculation of the ''Participation Fee,'' it may subject the calculation to review by the Commission pursuant to section 11A(b)(5) of the Act.

(3) ''Provisioning Costs''. ''Provisioning costs'' shall include:

- The costs that the Processor incurs to modify the CTS and CQS systems to accommodate the new Participant; and
- the Processor's ''additional capacity costs.''

The Processor's ''additional capacity costs'' means the additional costs that the Processor incurs to satisfy the new Participant's request for CTS or CQS systems capacity. It is understood that the Processor would not incur ''additional capacity costs'' to make available to the new Participant any uncommitted, excess capacity that resides in the systems at the time the new Participant enters the Plan, but would incur ''additional capacity costs'' to expand the total capacity of either one or both of the CTS and CQS systems in order to accommodate the requested demand of the new Participant. The new Participant shall pay all ''provisioning costs'' to the Processor pursuant to such terms and conditions as to which the Processor and the new Participant may agree.

(d) Other reporting parties. The Participants agree that any other exchange and any broker or dealer required to file a plan with the SEC pursuant to the Rule (hereinafter referred to collectively as ''other reporting parties'', or individually as an ''other reporting party'') may provide in such plan that last sale price information relating to transactions in Eligible Securities effected on such exchange or by such broker or dealer may be furnished and disseminated through the facilities and in accordance with and subject to the terms, conditions and procedures of this CTA Plan, provided such other reporting party executes the contract referred to in Section V(c) hereof. In order to best promote the objectives of the Rule, CTA will actively solicit the cooperation of each other reporting party to report its last sale price information relating to transactions in Eligible Securities to the Processor for inclusion on the consolidated tape in accordance with this CTA Plan.

(e) Advisory Committee.

(i) Formation. Notwithstanding any other provision of this Plan, an Advisory Committee to the Plan shall be formed and shall function in accordance with the provisions set forth in this section.

(ii) Composition. Members of the Advisory Committee shall be selected for two-year terms as follows:

(A) Advisory Committee Selections. By affirmative vote of a majority of the Participants entitled to vote, CTA shall select at least one representative from each of the following categories to be members of the Advisory Committee:

(1) A broker-dealer with a substantial retail investor customer base;

(2) a broker-dealer with a substantial institutional investor customer base;

(3) an alternative trading system;

(4) a data vendor; and

(5) an investor.

(B) Participant Selections. Each Participant shall have the right to select one member of the Advisory Committee. A Participant shall not select any person employed by or affiliated with any Participant or its affiliates or facilities.

(iii) Function. Members of the Advisory Committee shall have the right to submit their views to CTA on Plan matters, prior to a decision by CTA on such matters. Such matters shall include, but not be limited to, any new or modified product, fee, contract, or pilot program that is offered or used pursuant to the Plan.

(iv) Meetings and Information. Members of the Advisory Committee shall have the right to attend all meetings of CTA and to receive any information concerning Plan matters that is distributed to CTA; provided, however, that CTA may meet in executive session if, by affirmative vote of a majority of the Participants entitled to vote, CTA determines that an item of

Plan business requires confidential treatment.

**IV. Administration of the CTA Plan**

CTA will be primarily a policy-making body as distinguished from one engaged in operations of any kind. CTA, directly or by delegating its functions to individuals, committees established by it from time to time, or others, will administer this CTA Plan and will have the power and exercise the authority conferred upon it by this CTA Plan as described herein. Within the areas of its responsibilities and authority, decisions made or actions taken by CTA pursuant to the Articles will be binding upon each Participant (without prejudice to the rights of such Participant to seek redress in other forums under Section IV(e) below) unless such Participant has withdrawn from this CTA Plan in accordance with Section XIV(a) hereof.

(a) CTA, Articles (Exhibit A). The Consolidated Tape Association (''CTA'') has been created for the purpose of administering this CTA Plan. The Articles of Association of CTA (the ''Articles'') have been executed by each of the Participants and may be signed by any other exchange or national securities association which is not exempt from the provisions of the Rule. The membership of CTA will consist of individual voting members, one appointed by each of the Participants, and an indefinite number of individual non-voting members as provided in the Articles. Except as provided in Section XII(b)(iii) hereof as to charges to be imposed under this CTA Plan, the affirmative vote of a majority of all the voting members of CTA shall be deemed to be the action of CTA, including any action to modify the capacity planning process, when such action is taken at a meeting of CTA. In addition, action taken by the voting members of CTA other than at a meeting shall be deemed to be the action of CTA provided it is taken by the affirmative vote of all the voting members and, if taken by telephone or other communications equipment, such action is confirmed in writing by each such member within one week of the date such action is taken. (A copy of the Articles without attachments is attached to this CTA Plan as Exhibit A.)

(b) Amendment to CTA Plan. Except as otherwise provided in Section IV(c) or in Section XII(b)(iii) hereof, any proposed change in, addition to, or deletion from this CTA Plan may be effected only by means of an amendment to this CTA Plan which sets forth the change, addition or deletion and either:

(i) Is executed by each Participant and approved by the SEC;

(ii) in the case of a ''Ministerial Amendment,'' is submitted by the Chairman of CTA, is the subject of advance notice to the Participants of not less than 48 hours, and is approved by the SEC; or

(iii) otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 of Regulation NMS.

''Ministerial Amendment'' means an amendment to the CTA Plan that pertains solely to any one or more of the following:

(1) Admitting a new Participant into this CTA Plan;

(2) changing the name or address of a Participant;

(3) incorporating a change that the Commission has implemented by rule and that requires no conforming language to the text of this CTA Plan (*e.g.,* the Commission rule establishing the Advisory Committee);

(4) incorporating a change (i) that the Commission has implemented by rule, (ii) that requires conforming language to the text of this CTA Plan (*e.g.,* the Commission rule amending the revenue allocation formula), and (iii) that a majority of all Participants has voted to approve;

(5) incorporating a purely technical change, such as correcting an error or an inaccurate reference to a statutory provision or Commission rule, or removing language that has become obsolete (*e.g.,* language regarding ITS).

(c) Amendment under Section VI(d), VI(e). CTA, by action taken as provided in Section IV(a) above and in the Articles, shall have the authority to formulate and file with the SEC from time to time on behalf of all Participants an amendment to this CTA Plan with respect to any matter set forth in Section VI(d) or Section VI(e) hereof.

(d) Authority of CTA. In its administration of this CTA Plan, CTA shall have the authority to develop procedures and make the administrative decisions necessary to facilitate the operation of the System in accordance with the provisions of this CTA Plan and to monitor compliance therewith.

*(e) Plan Website Disclosures. CTA shall publish on the Plan's website:*

*(1) The Primary Listing Exchange for each Eligible Security; and*

*(2) On a monthly basis, the consolidated market data gross revenues for Eligible Securities as specified by Tape A and Tape B securities.*

[(e)]*(f)* Participant rights. No action or inaction by CTA shall prejudice any Participant's right to present its views to the SEC or any other person with respect to any matter relating to this CTA Plan or to seek to enforce its views in any other forum it deems appropriate.

[(f)]*(g)* Potential Conflicts of Interests.

(1) Disclosure Requirements. The Participants, the Processor, the Plan Administrator, members of the Advisory Committee, and each service provider or subcontractor engaged in Plan business (including the audit of subscribers' data usage) that has access to Restricted or Highly Confidential Plan information (for purposes of this section, ''Disclosing Parties'') shall complete the applicable questionnaire to provide the required disclosures set forth below to disclose all material facts necessary to identify potential conflicts of interest. The Operating Committee, a Participant, Processor, or Administrator may not use a service provider or subcontractor on Plan business unless that service provider or subcontractor has agreed in writing to provide the disclosures required by this section and has submitted completed disclosures to the Administrator prior to starting work. If state laws, rules, or regulations, or applicable professional ethics rules or standards of conduct, would act to restrict or prohibit a Disclosing Party from making any particular required disclosure, a Disclosing Party shall refer to such law, rule, regulation, or professional ethics rule or standard and include in response to that disclosure the basis for its inability to provide a complete response. This does not relieve the Disclosing Party from disclosing any information it is not restricted from providing.

(i) A potential conflict of interest may exist when personal, business, financial, or employment relationships could be perceived by a reasonable objective observer to affect the ability of a person to be impartial.

(ii) Updates to Disclosures. Following a material change in the information disclosed pursuant to subparagraph (f)(1), a Disclosing Party shall promptly update its disclosures. Additionally, a Disclosing Party shall update annually any inaccurate information prior to the Operating Committee's first quarterly meeting of a calendar year.

(iii) Public Dissemination of Disclosures. The Disclosing Parties shall provide the Administrator with its disclosures and any required updates. The Administrator shall ensure that the disclosures are promptly posted to the Plan's website.

(2) Recusal.

(i) A Disclosing Party may not appoint as its representative a person that is responsible for or involved with the development, modeling, pricing, licensing, or sale of proprietary data

products offered to customers of a securities information processor if the person has a financial interest (including compensation) that is tied directly to the exchange's proprietary data business and if that compensation would cause a reasonable objective observer to expect the compensation to affect the impartiality of the representative.

(ii) A Disclosing Party (including its representative(s), employees, and agents) will be recused from participating in Plan activities if it has not submitted a required disclosure form or the Operating Committee votes that its disclosure form is materially deficient. The recusal will be in effect until the Disclosing Party submits a sufficiently complete disclosure form to the Administrator.

(iii) A Disclosing Party, including its representative(s), and its affiliates and their representative(s), are recused from voting on matters in which it or its affiliate (i) are seeking a position or contract with the Plan or (ii) have a position or contract with the Plan and whose performance is being evaluated by the Plan.

(iv) All recusals, including a person's determination of whether to voluntarily recuse himself or herself, shall be reflected in the meeting minutes.

* * * * *

**Required Disclosures for the CTA Plan**

As part of the disclosure regime, the Participants, the Processors, the Administrators, members of the Advisory Committee, and service providers and subcontractors must respond to questions that are tailored to elicit responses that disclose the potential conflicts of interest.

The Participants must respond to the following questions and instructions:

- Is the Participant's firm for profit or not-for-profit? If the Participant's firm is for profit, is it publicly or privately owned? If privately owned, list any owner with an interest of 5% or more of the Participant, where to the Participant's knowledge, such owner, or any affiliate controlling, controlled by, or under common control with the owner, subscribes, directly or through a third-party vendor, to SIP and/or exchange Proprietary Market Data products.
- Does the Participant firm offer real-time proprietary equity market data that is filed with the SEC (''Proprietary Market Data'')? If yes, list each product, describe its content, and provide a link to where fees for each product are disclosed.
- Provide the names of the representative and any alternative representatives designated by the Participant who are authorized under the Plans to vote on behalf of the Participant. Also provide a narrative description of the representatives' roles within the Participant organization, including the title of each individual as well as any direct responsibilities related to the development, dissemination, sales, or marketing of the Participant's Proprietary Market Data, and the nature of those responsibilities sufficient for the public to identify the nature of any potential conflict of interest that could be perceived by a reasonable objective observer as having an effect on the Plan. If the representative works in or with the Participant's Proprietary Market Data business, describe the representative's roles and describe how that business and the representative's Plan responsibilities impacts his or her compensation. In addition, describe how a representative's responsibilities with the Proprietary Market Data business may present a conflict of interest with his or her responsibilities to the Plan.
- Does the Participant, its representative, or its alternative representative, or any affiliate have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with their responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Processors must respond to the following questions and instructions:

- Is the Processor an affiliate of or affiliated with any Participant? If yes, disclose the Participant(s) and describe the nature of the affiliation. Include an entity-level organizational chart depicting the Processor and its affiliates.
- Provide a narrative description of the functions directly performed by senior staff, the manager employed by the Processor to provide Processor services to the Plans, and the staff that reports to that manager (collectively, the ''Plan Processor'').
- Does the Plan Processor provide any services for any Participant's Proprietary Market Data products or other Plans? If Yes, disclose the services the Plan Processor performs and identify which Plans. Does the Plan Processor have any profit or loss responsibility for a Participant's Proprietary Market Data products or any other professional involvement with persons the Processor knows are engaged in the Participant's Proprietary Market Data business? If so, describe.
- List the policies and procedures established to safeguard confidential Plan information that is applicable to the Plan Processor.
- Does the Processor, or its representatives, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with the representatives' responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Administrators must respond to the following questions and instructions:

- Is the Administrator an affiliate of or affiliated with any Participant? If yes, disclose the Participant(s) and describe the nature of the affiliation. Include an entity-level organizational chart depicting the Administrator and its affiliates.
- Provide a narrative description of the functions directly performed by senior staff, the administrative services manager, and the staff that reports to that manager (collectively, the ''Plan Administrator'').
- Does the Plan Administrator provide any services for any Participant's Proprietary Market Data products? If yes, what services? Does the Plan Administrator have any profit or loss responsibility, or licensing responsibility, for a Participant's Proprietary Market Data products or any other professional involvement with persons the Administrator knows are engaged in the Participant's Proprietary Market Data business? If so, describe.
- List the policies and procedures established to safeguard confidential Plan information that is applicable to the Plan Administrator.
- Does the Administrator, or its representatives, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with the representatives' responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Members of the Advisory Committee must respond to the following questions and instructions:

- Provide the Advisor's title and a brief description of the Advisor's role within the firm.

• Does the Advisor have responsibilities related to the firm's use or procurement of market data?

• Does the Advisor have responsibilities related to the firm's trading or brokerage services?

• Does the Advisor's firm use the SIP? Does the Advisor's firm use exchange Proprietary Market Data products?

• Does the Advisor's firm have an ownership interest of 5% or more in one or more Participants? If yes, list the Participant(s).

• Does the Advisor actively participate in any litigation against the Plans?

• Does the Advisor or the Advisor's firm have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with their responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

Pursuant to Section IV(f)(1) of the Plan, each service provider or subcontractor that has agreed in writing to provide required disclosures and be treated as a Disclosing Party pursuant to Section IV(f) of the Plan shall respond to the following questions and instructions:

• Is the service provider or subcontractor affiliated with a Participant, Processor, Administrator, or member of the Advisory Committee? If yes, disclose with whom the person is affiliated and describe the nature of the affiliation.

• If the service provider's or subcontractor's compensation is on a commission basis or is tied to specific metrics, provide a detailed narrative summary of how compensation is determined for performing work on behalf of the Plan.

• Is the service provider or subcontractor subject to policies and procedures (including information barriers) concerning the protection of confidential information that includes affiliates? If so, describe. If not, explain their absence.

• Does the service provider or subcontractor, or its representative, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with its responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The responses to these questions will be posted on the Plan's website. If a Disclosing Party has any material changes in its responses, the Disclosing Party must promptly update its disclosures. Additionally, the Disclosing Parties must update the disclosures on an annual basis to reflect any changes. This annual update must be made before the first quarterly session meeting of each calendar year, which is generally held in mid-February.

[(g)]*(h)* Confidentiality Policy.

The Participants have adopted the confidentiality policy set forth in Exhibit G to the Plan.

**V. The Processor *and Competing Consolidators***

(a) SIAC, charter. The Securities Industry Automation Corporation (''SIAC'') has been engaged to serve as the Processor of last sale price information reported to it for inclusion in the consolidated tape. The Processor performs those services in accordance with the provisions of this CTA Plan and subject to the administrative oversight of CTA.

(b) Functions of the Processor. The primary functions of the Processor are:

(i) To operate and maintain computer and communications facilities for the receipt, processing, validating and dissemination of last sale price information in accordance with the provisions of this CTA Plan and subject to the oversight of CTA;

(ii) to maintain and publish technical specifications for the reporting of last sale price information from the Participants to the Processor;

(iii) to maintain and publish technical specifications for the dissemination of last sale price information over the high speed line facilities, the Network A ticker and the Network B ticker, as appropriate;

(iv) to maintain a database of last sale price information that the Processor collected from the Participants for use by the Participants and the SEC in monitoring and surveillance functions;

(v) to maintain back-up facilities to reduce the risk of serious interruption in the flow of market information; and

(vi) to provide computer and communications facilities capacity in accordance with the capacity planning process for which the processor contracts (in the forms set forth in Exhibit B) provide.

(c) Processor contracts (Exhibit B). Each Participant and each other reporting party furnishing last sale price information to the Processor for inclusion in the consolidated tape shall enter into a contract with the Processor which, among other things, obligates the reporting party during the life of the contract to furnish its last sale price information with respect to all Eligible Securities to the Processor in a format, and by means of a computer or by other means, acceptable to CTA and the Processor. A copy of each form of such contract is attached hereto as Exhibit B.

The reporting party shall agree in its contract with the Processor to report last sale price information relating to Eligible Securities to the Processor as promptly after the time of execution as practical and in accordance with Sections VIII and X hereof. Such contracts with the Processor also authorize the Processor to process all last sale price information furnished to it, to validate such information in accordance with Section VI(e) hereof, to sequence reports of last sale prices received on the basis of the time received by the Processor (labeling as late all reports that are so designated when received by it) and to transmit such consolidated information in accordance with this CTA Plan. The contracts between a Participant and the Processor shall contain provisions requiring the Participant to reimburse the Processor for the services that the Processor provides to the Participant. In the case of reporting parties other than the Participants, such contracts also provide that the reporting party is to be bound by the provisions of this CTA Plan and all decisions and directives of CTA in administering this CTA Plan. Each such contract with the Processor will also contain appropriate indemnification provisions indemnifying the Processor and each of the other parties reporting last sale price information to the Processor with respect to any claim, suit, other proceedings at law or in equity, liability, loss, cost, damage or expense incurred or threatened as a result of the last sale price information furnished to the Processor by the indemnifying party. The Processor's contracts with Participants and other reporting parties shall by their terms be subject at all times to applicable provisions of the Act, the rules and regulations thereunder and this CTA Plan.

Whenever any Participant ceases to be subject to this CTA Plan or whenever any other reporting party ceases to be subject to a plan filed under the Rule which provides for the reporting of last sale price information to the Processor, the contract between the Processor and such Participant or other reporting party shall terminate.

(d) Review of Processor. CTA shall periodically review (at least every two years or from time to time upon the request of any two Participants, but not

more frequently than once each year) whether (1) the Processor has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of this CTA Plan, (2) its reimbursable expenses have become excessive and are not justified on a cost basis, and (3) the organization then acting as the Processor should continue in such capacity or should be replaced. In making such review, consideration shall be given to such factors as experience, technological capability, quality and reliability of service, relative costs, back-up facilities and regulatory considerations.

CTA may replace the Processor if it determines that the Processor has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of this CTA Plan or that the Processor's reimbursable expenses have become excessive and are not justified on the basis of reasonable costs. Replacement of the Processor, other than for cause as provided in the preceding sentence, shall require an amendment to this CTA Plan adopted and filed as provided in Section IV(b) hereof.

(e) Notice to SEC of Processor reviews. The SEC shall be notified of the evaluations and recommendations made pursuant to any of the reviews for which Section V(d) provides, including any minority views, and shall be supplied with a copy of any reports that may be prepared in connection therewith.

*(f) Evaluation of Competing Consolidators. On an annual basis, the Operating Committee shall assess the performance of Competing Consolidators, including an analysis with respect to speed, reliability, and cost of data provision. The Operating Committee shall prepare an annual report containing such assessment and furnish such report to the SEC prior to the second quarterly meeting of the Operating Committee. In conducting its analysis, the Operating Committee shall review the monthly performance metrics published by Competing Consolidators pursuant to Rule 614(d)(5). ''Monthly performance metrics'' shall include:*

*(i) Capacity statistics, including system tested capacity, system output capacity, total transaction capacity, and total transaction peak capacity;*

*(ii) Message rate and total statistics, including peak output rates on the following bases: 1-millisecond, 10-millisecond, 100-millisecond, 500-millisecond, 1-second, and 5-second;*

*(iii) System availability statistics, including system up-time percentage and cumulative amount of outage time;*

*(iv) Network delay statistics, including quote and trade zero window size events, quote and trade retransmit events, and quote and trade message total; and*

*(v) Latency statistics, including distribution statistics up to the 99.99th percentile, for the following:*

*(A) When a Participant sends an inbound message to a Competing Consolidator and when the Competing Consolidator receives the inbound message;*

*(B) When the Competing Consolidator receives the inbound message and when the Competing Consolidator sends the corresponding consolidated message to a customer of the Competing Consolidator; and*

*(C) When a Participant sends an inbound message to a Competing Consolidator and when the Competing Consolidator sends the corresponding consolidated message to a customer of the Competing Consolidator.*

**VI. Consolidated Tape**

(a) Ticker facilities and reporting requirements. For many years prior to this CTA Plan, the NYSE operated leased private wire facilities for the purpose of disseminating on a current and continuous basis last sale price information relating to transactions in securities effected on the NYSE. Similarly, the AMEX operated leased private wire facilities for many years prior to this CTA Plan for the purpose of disseminating on a current and continuous basis last sale price information relating to transactions in securities effected on the AMEX. The consolidated tape was implemented by utilizing such existing wire facilities, modified as required, for the dissemination of all last sale price information relating to transactions in Eligible Securities over the consolidated tape pursuant to the provisions of this CTA Plan as follows:

(i) Network A ticker. All last sale price information reported to the Processor (regardless of the market where the transaction is executed) relating to Network A Eligible Securities shall be disseminated over the Network A ticker.

(ii) Network B ticker. All last sale price information reported to the Processor (regardless of the market where the transaction is executed) relating to Network B Eligible Securities shall be disseminated over the Network B ticker.

In transmitting consolidated last sale price information over either the Network A ticker or the Network B ticker, the Processor will transmit at a rate of 900 characters per minute (135 Baud) for ticker display purposes. Those transmissions will be made available (A) to the vendors and other persons referred to in Section IX hereof, (B) at the premises of the Processor, or, insofar as the Participants continue to provide wire facilities, to the premises of such vendors and other persons, (C) in the sequence in which the Processor receives the prices, (D) insofar as such prices have not been rejected by the validation process, and (E) subject to applicable tape deletion procedures.

(b) High speed line. In addition to the Network A ticker and the Network B ticker, the Participants have also developed the high speed line. For any purpose approved by CTA, the Processor shall make last sale price information available by means of the high speed line (A) to the vendors and other persons referred to in Section IX hereof, (B) at the premises of the Processor, (C) in the sequence in which it receives the prices, and (D) insofar as such prices have not been rejected by the validation process.

(c) Reporting format and technical specifications. Last sale price information relating to a completed transaction in an Eligible Security reported to the Processor*, Competing Consolidators, and Self-Aggregators* by any Participant or other reporting party shall be in the following format (subject to technical specifications referred to below as from time to time in effect):

—Stock symbol of the Eligible Security;
—the number of shares in the transaction;
—price at which the transaction was executed; [and]
—time [of the transaction (reported in microseconds) as identified in the Participant's matching engine publication timestamp] *the last sale price information was generated by the Participant (reported in microseconds); and*
—*With respect to reports to Competing Consolidators and Self-Aggregators, the time the Participant made the last sale price information available to Competing Consolidators and Self-Aggregators (reported in microseconds).*

However, in the case of FINRA, the time [of the transaction shall be the time of execution]*the last sale price information was generated by a Participant shall be the time* that a FINRA member reports to a FINRA trade reporting facility in accordance with FINRA rules. In addition, if the FINRA trade reporting facility provides a proprietary feed of trades reported by the trade reporting facility to the Processor*, Competing Consolidators, and Self-Aggregators,* then the FINRA trade reporting facility shall also furnish

the Processor*, Competing Consolidators, and Self-Aggregators* with the time of the transmission as published on the facility's proprietary feed.

FINRA shall convert times that its members report to it in seconds or milliseconds to microseconds and shall furnish such times to the Processor in microseconds.

Technical specifications describing the reporting formats for both the computer-to-computer and manual reporting of last sale price information to the Processor have been developed by technical representatives of the Participants and the Processor, and have been furnished to the SEC for its information.

(d) Transactions not reported (related messages). The following types of transactions are not to be reported for inclusion on the consolidated tape (although appropriate messages may be printed on the consolidated tape relating to such transactions in accordance with the manual referred to in Section X hereof):

(i) Transactions which are a part of a primary distribution by an issuer or of a registered secondary distribution (other than ''shelf distributions'') or of an unregistered secondary distribution effected off the floor of an exchange,

(ii) transactions made in reliance on Section 4(2) of the Securities Act of 1933,

(iii) transactions where the buyer and seller have agreed to trade at a price unrelated to the current market for the security; *e.g.,* to enable the seller to make a gift,

(iv) the acquisition of securities by a broker-dealer as principal in anticipation of making an immediate exchange distribution or exchange offering on an exchange,

(v) purchases of securities off the floor of an exchange pursuant to a tender offer, and

(vi) purchases or sales of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the current market.

CTA shall have the authority, with the consent of the SEC, to exclude additional types of transactions from the consolidated tape.

(e) Processor validation & correction procedure. The stock symbol, volume, price and time of all last sale price information received by the Processor shall be validated by the Processor for proper format. If the format is incorrect such last sale price information will be rejected and the reporting market will be so notified. It shall be the responsibility of the reporting market to correct the format of such last sale price information and again transmit it to the Processor. If the elapsed time between time of execution and time of retransmission to the Processor significantly exceeds the limit specified by CTA pursuant to Section VIII(a) hereof, such last sale price information shall be designated by the reporting market as late. In addition, each Participant and each other reporting party shall validate each last sale price reported by it for ''price reasonableness'' in accordance with the following procedures:

(i) Price tolerance. CTA shall from time to time establish the price tolerances to be applied in validating last sale prices reported to the Processor.

(iii){sic} Price reasonableness per market. Price reasonableness validation will be measured against (a) the last previous price for such security reported by it, (b) the last previous price for such security reported on the consolidated tape, or (c) both of the foregoing, as such Participant or other reporting party may determine.

(iv){sic} Price reasonableness override. Each Participant or other reporting party may incorporate in its procedures the capability of overriding or bypassing the price reasonableness validation standard with respect to any particular transaction.

(v){sic} Price reasonableness validation by the Processor. In addition, the Processor shall perform a price reasonableness validation with respect to each last sale price received by it in accordance with price tolerances established by CTA. Such validation shall be designed only to determine gross errors resulting from faulty transmission of the last sale price from the Participant or other reporting party to the Processor.

(f) Market identifiers. Each such last sale price when made available by means of the high speed line shall be accompanied by the appropriate alphabetic symbol identifying the market of execution; provided, however, that all last sale prices collected by FINRA and reported to the Processor shall, when so made available by the Processor, be accompanied by a distinctive alphabetic symbol distinguishing such last sale prices from those reported by any exchange or other reporting party, and all last sale prices reported by brokers or dealers required to file a plan with the SEC pursuant to the Rule shall, when so made available by the Processor, be accompanied by a distinctive alphabetic symbol distinguishing such last sale prices from those reported by FINRA or any exchange.

Last sale prices which reflect completed transactions in Eligible Securities and are transmitted by the Processor over the Network A ticker or the Network B ticker for ticker display purposes shall not be accompanied by symbols identifying the markets of execution.

[(g) ITS transactions. Any last sale price which reflects a completed transaction in an Eligible Security which occurred during the trading day through the operation of the ITS application described in the ''Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage'' (the ''ITS Plan'') as approved by the SEC (any such completed transaction being herein called an ''ITS transaction'') shall, when made available by the Processor by means of the high speed line, be accompanied by an alphabetic symbol which identifies the market in which the commitment to trade which resulted in the ITS transaction was received and accepted, except that, as soon as practicable, the symbol to be used by the Processor in identifying ITS transactions reported by means of such high speed line shall be an appropriate alphabetic symbol or symbols which identify both the market in which the seller was located and the market in which the buyer was located at the time of the ITS transaction.]

[(h)]*(g)* No alphabetical tickers. During the development of this CTA Plan, the Participants discussed the questions of (i) disseminating the consolidated tape for display purposes on two ticker tapes reflecting last sale prices in all Eligible Securities based on an alphabetical listing thereof and (ii) identification of the market of execution when reporting last sale prices on the consolidated tape. These matters have been resolved in accordance with the foregoing provisions of this Section VI. However, CTA shall continue to reexamine such questions periodically, but any changes in the consolidated tape of this nature will require an amendment to this CTA Plan pursuant to Section IV(b) hereof.

**VII. Eligible Securities**

(a) Definitions. For the purposes of this CTA Plan, ''Eligible Securities'' shall mean:

(i) NYSE and AMEX. Any common stock, long-term warrant or preferred stock registered or admitted to unlisted trading privileges on the NYSE or the AMEX on April 30, 1976;

(ii) Other exchanges. Any common stock, long-term warrant or preferred stock registered or admitted to unlisted trading privileges on any other exchange

which, on April 30, 1976, substantially met the original listing requirements of the NYSE or the AMEX for such securities;

(ii) New listings. After April 30, 1976, any common stock, long-term warrant or preferred stock which becomes registered on any exchange or is admitted to unlisted trading privileges thereon and which at the time of such registration or at the commencement of such trading substantially meets the original listing requirements of the NYSE or the AMEX for such securities, as the same may be amended from time to time;

(iii) Rights. Any right admitted to trading on an exchange which entitles the holder thereof to purchase or acquire a share or shares of an Eligible Security, provided that both the right and the Eligible Security to the holders of which the right is granted are admitted to trading on the same exchange.

(b) Definition—common, preferred stock. For the purpose of this Section VII the term ''common stock'' shall be deemed to include shares of any equity security, however designated, registered or admitted to unlisted trading privileges on an exchange as a common stock, including, without limitation, shares or certificates of beneficial interest in trusts, certificates of deposit for common stock, limited partnership interests and ''special stocks''. In addition, the term ''common stock'' shall be deemed to include ''American Depository Receipts'', ''American Depository Shares'', ''American Shares'', or ''New York Shares'' representing securities of foreign issuers which are considered to be common stocks. For the purposes of this Section VII the term ''preferred stock'' shall be deemed to include shares of any equity security, however designated, registered or admitted to unlisted trading privileges on an exchange as a preferred stock, whether or not the same may be convertible into another security, including, without limitation, preference stocks, income shares and guaranteed stocks. In addition, the term ''preferred stock'' shall be deemed to include ''American Depository Receipts'', ''American Depository Shares'', ''American Shares'', or ''New York Shares'' representing securities of foreign issuers which are considered to be preferred stocks. For the purpose of this Section VII, a security shall be deemed to be registered on an exchange if it is traded thereon as a security exempted from the operation of Section 12(a) of the Act by the provisions thereof or of any rule or regulation of the SEC thereunder.

(c) Loss of eligibility. A security shall cease to be an Eligible Security whenever, in the case either of a common stock, long-term warrant, right or preferred stock: (i) Such security does not substantially meet the requirements from time to time in effect for continued listing on the NYSE (as to Network A Eligible Securities) or the AMEX (as to Network B Eligible Securities); or (ii) such security has been suspended from trading on any exchange because the issuer thereof is in liquidation, bankruptcy or other similar type proceedings; or (iii) during the immediately preceding twelve-month period less than 25% of the transactions in that security effected in the United States through brokers or dealers have been executed on exchanges (in the aggregate); provided, however, that this standard shall not apply to Eligible Securities which have been listed for less than twelve months nor shall it apply to preferred stocks; or (iv) such security is no longer registered or admitted to trading on any exchange.

(d) Determination of eligibility. It is recognized that the approval of securities for listing on exchanges involves a substantial element of judgment on the part of exchange officials and that similar judgment is to be applied in determining whether a security should be included on the consolidated tape. The determination as to whether a security substantially meets the criteria set forth in this Section VII for defining Eligible Securities shall be made by the exchange on which such security is registered or admitted to unlisted trading; provided, however, that if such security is registered or admitted to unlisted trading privileges on more than one exchange, then such determination shall be made by the exchange on which the greatest number of the transactions in such security were effected during the previous twelvemonth period. If the SEC shall find that any such determination is improper, it may require that such security be deemed not to be an Eligible Security for the purposes of this CTA Plan.

(e) Regional reports on Eligible Securities. Each exchange (other than the NYSE or the AMEX) has furnished CTA and the SEC with appropriate data concerning all securities traded on such exchange which are believed to meet the above requirements for inclusion on the consolidated tape as Eligible Securities. Each exchange (other than the NYSE or the AMEX) shall furnish CTA and the SEC with data concerning securities listed on such exchange which are to be included in the future as Eligible Securities on the consolidated tape. Each exchange may from time to time be required by CTA to furnish it with data concerning Eligible Securities traded on such exchange.

(f) Exception. Notwithstanding anything to the contrary in this section VII, a security shall not be an ''Eligible Security'' if:

(i) The security is listed on an exchange Participant other than NYSE or AMEX;

(ii) the security is not also listed on NYSE or AMEX; and

(iii) the listing exchange reports last sale price information relating to the security pursuant to an ''other transaction reporting plan.''

For the purposes of this section VII(f), an ''other transaction reporting plan'' refers to a SEC approved ''transaction reporting plan'' (as the Act uses that term) other than the CTA Plan that provides for the joint dissemination of any security's last sale price information by (A) the exchange that lists that security, (B) FINRA and (C) any other exchange that trades the security pursuant to unlisted trading privileges.

**VIII. Collection and Reporting of Last Sale Data**

(a) Responsibility of Exchange Participants. [AMEX, BSE, BYX, BZX, Cboe, CHX, EDGA, EDGX, ISE, IEX, LTSE, MEMX, MIAX, Nasdaq, NSX, NYSE, NYSE Arca, and PHLX will] *Each Participant agrees to [*each] collect and report to the Processor all last sale price information to be reported by it relating to transactions in Eligible Securities [taking place on its floor]. In addition, FINRA shall collect from its members all last sale price information to be included in the consolidated tape relating to transactions in Eligible Securities not taking place on the floor of an exchange and shall report all such last sale price information to the Processor in accordance with the provisions of Section VIII(b) hereof. *Each Participant further agrees to collect and report to Competing Consolidators and Self Aggregators all last sale price information to be reported to it related to transactions in Eligible Securities in the same manner and using the same methods, including all methods of access and the same format, as such Participant makes available any information with respect to quotations for and transactions in Eligible Securities to any person.* It will be the responsibility of each Participant and each other reporting party, as defined in Section III(d) hereof, to (i) report all last sale prices relating to transactions in Eligible Securities as soon as practicable, but not later than 10 seconds, after the time of execution, (ii)

establish and maintain collection and reporting procedures and facilities reasonably designed to comply with this requirement, and (iii) designate as ''late'' any last sale price not collected and reported in accordance with the above-referenced procedures or as to which the reporting party has knowledge that the time interval after the time of execution is significantly greater than the time period referred to above. [CTA shall seek to reduce the time period for reporting last sale prices to the Processor as conditions warrant.]

(b) FINRA responsibility. The FINRA shall develop and adopt rules governing the reporting of last sale price information to be reported by its members to *both* the Processor for inclusion on the consolidated tape *and to Competing Consolidators and Self-Aggregators.* Such rules shall (i) specify FINRA member having responsibility for reporting each particular transaction, (ii) be designed to avoid duplicate reporting of transactions on the consolidated tape *or to Competing Consolidators and Self Aggregators,* and (iii) specify procedures for determining the price to be reported with respect to each particular transaction.

[(c) Description of reporting procedures. Each Participant and each other reporting party has prepared and submitted to CTA (and furnished to the SEC for its information, but not as part of this CTA Plan), a description of the procedures by which it collects and reports to the Processor last sale price information reported by it pursuant to this CTA Plan. Any material revisions to such procedures shall be promptly reported to CTA (and similarly furnished to the SEC).]

**IX. Receipt and Use of CTA Information**

(a) Requirements for receipt and use of information. Pursuant to fair and reasonable terms and conditions, each CTA network's administrator shall provide for:

(i) The dissemination of [each CTA network's information] *consolidated market data* on terms that are not unreasonably discriminatory to *Competing Consolidators, Self-Aggregators,* vendors, newspapers, Participants, Participant members and member organizations, and other persons over that network's ticker and over the high speed line; and

(ii) the use of [that CTA network's information] *consolidated market data* by *Competing Consolidators, Self-Aggregators,* vendors, subscribers, newspapers, Participants, Participant members and member organizations, and other persons.

Subject to Section XII(b)(iii), each CTA network's Participants shall determine the terms and conditions that apply in respect of a particular manner of receipt or use of [that CTA network's last sale price information] *consolidated market data,* including whether the manner of receipt or use shall require the recipients or users to enter into appropriate agreements with the CTA network's administrator. The Participants shall apply those determinations in a reasonably uniform manner, so as to subject all parties that receive or use [a CTA network's information] *consolidated market data* in a particular manner to terms and conditions that are substantially similar.

The Participants in both CTA networks expect that their CTA network's administrator will require the following parties to enter into agreements with the CTA network administrator, acting on behalf of the CTA network's Participants, substantially in the form of Exhibit C (the ''Consolidated Vendor Form'') or a predecessor form of agreement:

(i) Any party that receives a CTA network's information by means of a direct computer-to-computer interface with the Processor *or Competing Consolidator;*

*(ii) any Competing Consolidator or Self Aggregator that receives last sale transaction information directly from a Participant for the purpose of creating consolidated market data;*

[(ii)]*(iii)* vendors and other parties that redisseminate [a CTA network's information]*consolidated market data* to others; and

[(iii)]*(iv)* persons that use [a CTA network's information] *consolidated market data* for such purposes as that CTA network's administrator may from time to time identify.

Each CTA network's Participants expect that their CTA network's administrator will require subscribers, and other recipients of last sale price information services, that do not enter into the Consolidated Vendor Form either:

(i) To enter into an agreement with its vendor that contains terms and conditions that run to the benefit of that CTA network's Participants and that are substantially similar to the terms and conditions set forth in the ''Subscriber Addendum'', attached as part of Exhibit D; or

(ii) to enter into agreements with the CTA network's administrator, acting on behalf of the CTA network's Participants, substantially in the form of the ''Consolidated Subscriber Form'', attached as part of Exhibit D, or a predecessor form of agreement.

However, the CTA networks' administrators may determine that a particular manner of receipt or use by any party warrants terms and conditions different from those found in the Consolidated Vendor Form, the Subscriber Addendum or the Consolidated Subscriber Form, or requires no agreement at all.

(b) Approvals of redisseminators and terminations of approvals. All vendors of [a CTA network's information]and other parties that redisseminate [a CTA network's information] *consolidated market data* (collectively, ''data redisseminators'') shall be required to be approved by that CTA network's administrator. A CTA network's administrator may terminate the approval of a data redisseminator if it determines that circumstances so warrant. All decisions to so terminate an approval must be approved by a majority of that CTA network's Participants. All actions of a CTA network's Participants approving, disapproving or terminating a prior approval of a data redisseminator will be final and conclusive on all of the CTA network's Participants and other reporting parties, except that any data redisseminator aggrieved by any final decision of a CTA network's Participants may petition the SEC for review of the decision in accordance with the Act and the rules and regulations of the SEC thereunder.

(c) Subscriber terminations. A CTA network's administrator may determine that circumstances warrant directing a data redisseminator to cease providing [that CTA network's information] *consolidated market data* to a subscriber. Except as specifically authorized by the CTA network's Participants, the CTA network's administrator shall, after making that determination, refer the matter to the CTA network's Participants for final decision before any action is taken. The CTA network's Participants may direct the data redisseminator to cease providing [the CTA network's information] *consolidated market data* to the subscriber if a majority of those Participants determine that (i) such action is necessary or appropriate in the public interest or for the protection of investors, or (ii) the subscriber has breached any agreement required by the CTA network's administrator pursuant to this Section IX. Any person aggrieved by any such final decision of the CTA network's Participants may petition the SEC for review of that decision in accordance with the Act and the rules and regulations of the SEC thereunder.

(d) Contracts subject to Act. The Consolidated Vendor Form, the

Subscriber Addendum, the Consolidated Subscriber Form and any other agreement or addendum that a CTA network's administrator requires pursuant to Section IX(a) shall by their terms be subject at all times to applicable provisions of the Act and the rules and regulations thereunder and shall subject vendor services to those provisions, rules and regulations.

(e) Market tests. Notwithstanding the provisions of Section IX(a) regarding the form of, and necessity for, agreements with recipients of last sale price information and the provisions of Section XII regarding the amount and incidence of charges, and the establishment and amendment of charges, a CTA network's administrator, acting with the concurrence of a majority of the CTA network's Participants, may enter into arrangements of limited duration, geography and scope with vendors and other persons for pilot test operations designed to develop, or to permit the development of, new last sale price information services and uses under terms and conditions other than those specified in Sections IX(a) and XII. Without limiting the generality of the foregoing, any such arrangements may dispense with agreements with, and collection of charges from, customers of such vendors or other persons. Any such arrangement shall afford the CTA network's Participants an opportunity to receive market research obtained from the pilot test operations and/or to participate in the pilot test operations. The CTA network's administrator shall promptly report to CTA and the SEC about the commencement of each such arrangement and, upon its conclusion, any market research obtained from the pilot test operations.

(f) Performance of contract functions. This section IX requires AMEX, as the Network B administrator, to enter into arrangements on behalf of the Network B Participants so as to authorize vendors and other persons to receive and use CTA Network B information for the purposes of assorted services. NYSE shall perform in place of AMEX such of the execution, administration and maintenance functions relating to those arrangements (other than arrangements with subscribers) as NYSE and AMEX may from time to time agree in the interest of administrative efficiency.

**X. Format of All Information To Be Shown on Consolidated Tape**

The format of all information to be shown on the consolidated tape is reflected in a manual developed by technical representatives of the Participants and the Processor, and the initial form of such manual was furnished to the SEC for its information, but not as part of this CTA Plan. CTA shall have the authority to review the format of such information and make changes therein from time to time as it deems necessary for the efficient operation of the consolidated tape. Notwithstanding the foregoing, CTA shall not have the authority to change the format of any such information in any manner which is inconsistent with or in derogation of any provision of this CTA Plan. A copy of the aforementioned manual, as amended from time to time, will be made available to the SEC and on request to vendors and other interested parties.

**XI. Operational Matters**

(a) Regulatory and Operational Halts.

(i) Definitions for purposes of section XI(a).

(A) ''Extraordinary Market Activity'' means a disruption or malfunction of any electronic quotation, communication, reporting, or execution system operated by, or linked to, the Processor or a Trading Center or a member of such Trading Center that has a severe and continuing negative impact, on a market-wide basis, on quoting, order, or trading activity or on the availability of market information necessary to maintain a fair and orderly market. For purposes of this definition, a severe and continuing negative impact on quoting, order, or trading activity includes (i) a series of quotes, orders, or transactions at prices substantially unrelated to the current market for the security or securities; (ii) duplicative or erroneous quoting, order, trade reporting, or other related message traffic between one or more Trading Centers or their members; or (iii) the unavailability of quoting, order, transaction information, or regulatory messages for a sustained period.

(B) ''Limit Up Limit Down'' means the Plan to Address Extraordinary Market Volatility pursuant to Rule 608 of Regulation NMS under the Act.

(C) ''Market'' means (i) in respect of FINRA, the facilities through which FINRA members display quotations and report transactions in Eligible Securities to FINRA and (ii) in respect of each Participant other than FINRA, the marketplace for Eligible Securities that the Participant operates.

(D) ''Market-Wide Circuit Breaker'' means a halt in trading in all stocks in all Markets under the rules of a [Primary Listing Market] *Primary Listing Exchange.*

(E) ''Material SIP Latency'' means a delay of quotation or last sale price information in one or more securities between the time data is received by the Processor and the time the Processor disseminates the data over the high speed line or over the ''high speed line'' under the CQ Plan, which delay the [Primary Listing Market]*Primary Listing Exchange* determines, in consultation with, and in accordance with, publicly disclosed guidelines established by the Operating Committee, to be (a) material and (b) unlikely to be resolved in the near future.

(F) ''Member Firm'' means a member as that term is defined in Section 3(a)(3) of the Act.

(G) ''Operational Halt'' means a halt in trading in one or more securities only on a Market declared by such Participant and is not a Regulatory Halt.

[(H) ''Primary Listing Market'' means the national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Market means the exchange on which the security has been listed the longest.]

[(I)] *(H)* ''Regular Trading Hours'' has the meaning provided in Rule 600(b)(68) of Regulation NMS. Regular Trading Hours can end earlier than 4:00 p.m. ET in the case of an early scheduled close.

[(J)] *(I)* ''Regulatory Halt'' means a halt declared by the [Primary Listing Market] *Primary Listing Exchange* in trading in one or more securities on all Trading Centers for regulatory purposes, including for the dissemination of material news, news pending, suspensions, or where otherwise necessary to maintain a fair and orderly market. A Regulatory Halt includes a trading pause triggered by Limit Up Limit Down, a halt based on Extraordinary Market Activity, a trading halt triggered by a Market-Wide Circuit Breaker, and a SIP Halt.

[(K)] *(J)* ''SIP Halt'' means a Regulatory Halt to trading in one or more securities that a [Primary Listing Market] *Primary Listing Exchange* declares in the event of a SIP Outage or Material SIP Latency.

[(L)] *(K)* ''SIP Halt Resume Time'' means the time that the [Primary Listing Market] *Primary Listing Exchange* determines as the end of a SIP Halt.

[(M)] *(L)* ''SIP Outage'' means a situation in which the Processor has ceased, or anticipates being unable, to provide updated and/or accurate quotation or last sale price information in one or more securities for a material period that exceeds the time thresholds for an orderly failover to backup facilities established by mutual agreement among the Processor, the [Primary Listing Market] *Primary Listing Exchange* for the affected securities, and

the Operating Committee unless the [Primary Listing Market] *Primary Listing Exchange,* in consultation with the Processor and the Operating Committee, determines that resumption of accurate data is expected in the near future.

[(N) ''Trading Center'' has the same meaning as that term is defined in Rule 600(b)(82) of Regulation NMS.]

(ii) Operational Halts. A Participant shall notify the Processor, *Competing Consolidators, and Self-Aggregators* if it has concerns about its ability to collect and transmit quotes, orders or last sale prices, or where it has declared an Operational Halt or suspension of trading in one or more Eligible Securities, pursuant to the procedures adopted by the Operating Committee.

(iii) Regulatory Halts.

(A) The [Primary Listing Market] *Primary Listing Exchange* may declare a Regulatory Halt in trading for any security for which it is the [Primary Listing Market] *Primary Listing Exchange:*

(1) As provided for in the rules of the [Primary Listing Market] *Primary Listing Exchange;*

(2) if it determines there is a SIP Outage, Material SIP Latency, or Extraordinary Market Activity; or

(3) in the event of national, regional, or localized disruption that necessitates a Regulatory Halt to maintain a fair and orderly market.

(B) In making a determination to declare a Regulatory Halt under subparagraph (a)(iii)(A), the [Primary Listing Market] *Primary Listing Exchange* will consider the totality of information available concerning the severity of the issue, its likely duration, and potential impact on Member Firms and other market participants and will make a good-faith determination that the criteria of subparagraph (a)(iii)(A) have been satisfied and that a Regulatory Halt is appropriate. The [Primary Listing Market] *Primary Listing Exchange* will consult, if feasible, with the affected Trading Center(s), other Participants, or the Processor, as applicable, regarding the scope of the issue and what steps are being taken to address the issue. Once a Regulatory Halt based under subparagraph (a)(iii)(A) has been declared, the [Primary Listing Market] *Primary Listing Exchange* will continue to evaluate the circumstances to determine when trading may resume in accordance with the rules of the [Primary Listing Market] *Primary Listing Exchange.*

(iv) Initiating a Regulatory Halt.

(A) The start time of a Regulatory Halt is when the [Primary Listing Market] *Primary Listing Exchange* declares the halt, regardless of whether an issue with communications impacts the dissemination of the notice.

(B) If the Processor is unable to disseminate notice of a Regulatory Halt or the [Primary Listing Market] *Primary Listing Exchange* is not open for trading, the [Primary Listing Market] *Primary Listing Exchange* will take reasonable steps to provide notice of a Regulatory Halt, which shall include both the type and start time of the Regulatory Halt, by dissemination through:

(1) Proprietary data feeds containing quotation and last sale price information that the [Primary Listing Market] *Primary Listing Exchange* also sends to the Processor;

(2) posting on a publicly-available Participant website; or

(3) system status messages.

(C) Except in exigent circumstances, the [Primary Listing Market] *Primary Listing Exchange* will not declare a Regulatory Halt retroactive to a time earlier than the notice of such halt.

(v) Resumption of Trading After Regulatory Halts Other Than SIP Halts.

(A) The [Primary Listing Market] *Primary Listing Exchange* will declare a resumption of trading when it makes a good-faith determination that trading may resume in a fair and orderly manner and in accordance with its rules.

(B) For a Regulatory Halt that is initiated by another Participant that is a [Primary Listing Market] *Primary Listing Exchange,* a Participant may resume trading after the Participant receives notification from the [Primary Listing Market] *Primary Listing Exchange* that the Regulatory Halt has been terminated.

(vii) Resumption of Trading After SIP Halt.

(A) The [Primary Listing Market] *Primary Listing Exchange* will determine the SIP Halt Resume Time. In making such determination, the [Primary Listing Market] *Primary Listing Exchange* will make a good-faith determination and consider the totality of information to determine whether resuming trading would promote a fair and orderly market, including input from the Processor, the Operating Committee, or the operator of the system in question (as well as any Trading Center(s) to which such system is linked), regarding operational readiness to resume trading. The [Primary Listing Market] *Primary Listing Exchange* retains discretion to delay the SIP Halt Resume Time if it believes trading will not resume in a fair and orderly manner.

(B) The [Primary Listing Market] *Primary Listing Exchange* will terminate a SIP Halt with a notification that specifies a SIP Halt Resume Time. The [Primary Listing Market] *Primary Listing Exchange* shall provide a minimum notice of a SIP Halt Resume Time, as specified by the rules of the [Primary Listing Market] *Primary Listing Exchange,* during which period market participants may enter quotes and orders in the affected securities. During regular Trading Hours, the last SIP Halt Resume Time before the end of Regular Trading Hours shall be an amount of time as specified by the rules of the [Primary Listing Market] *Primary Listing Exchange* The [Primary Listing Market] *Primary Listing Exchange* may stagger the SIP Halt Resume Times for multiple symbols in order to reopen in a fair and orderly manner.

(C) During Regular Trading Hours, if the [Primary Listing Market] *Primary Listing Exchange* does not open a security within the amount of time as specified by the rules of the [Primary Listing Market] *Primary Listing Exchange* after the SIP Halt Resume Time, a Participant may resume trading in that security. Outside Regular Trading Hours, a Participant may resume trading immediately after the SIP Halt Resume Time.

(vii) Participant to Halt Trading During Regulatory Halt. A Participant will halt trading for any security traded on its Market if the [Primary Listing Market] *Primary Listing Exchange* declares a Regulatory Halt for the security.

(viii) Communications. Whenever, in the exercise of its regulatory functions, the [Primary Listing Market] *Primary Listing Exchange* for an Eligible Security determines it is appropriate to initiate a Regulatory Halt, the [Primary Listing Market] *Primary Listing Exchange* will notify all other Participants and the Processor, *Competing Consolidators, and Self-Aggregators* of such Regulatory Halt as well as provide notice that a Regulatory Halt has been lifted using such protocols and other emergency procedures as may be mutually agreed to between the Operating Committee and the [Primary Listing Market] *Primary Listing Exchange.* The Processor shall disseminate to Participants notice of the Regulatory Halt (as well as notice of the lifting of a Regulatory Halt) through the high speed line or through the ''high speed line'' under the CQ Plan, and (ii) any other means the Processor, in its sole discretion, considers appropriate. Each Participant shall be required to continuously monitor these communication protocols established by the Operating Committee and the Processor during market hours, and the failure of a Participant to do so shall not prevent the [Primary Listing Market]

*Primary Listing Exchange* from initiating a Regulatory Halt in accordance with the procedures specified herein.

**XII. Financial Matters**

(a) Sharing of Income and Expenses. Each CTA network's Participants shall share in the income and expenses associated with the dissemination of that CTA network's information in accordance with the provisions of this Section XII. Except as otherwise indicated, each income, expense and cost item, and each formula therefor described in this Section XII, applies separately to each of the two CTA networks and its respective Participants. The ''Annual Payments'' to any Participant furnishing a CTA Network's information to the Processor, and the ''Gross Income'' and ''Operating Expenses'' for each CTA network (as defined in subsections (b) and (c), respectively, of this Section XII), shall be determined for each calendar year and shall be determined as of the end of each such calendar year.

(i) Annual Payments. As to each CTA network and notwithstanding any other provision of this Plan, each Participant eligible to receive distributable ''Net Income'' under the Plan shall receive an annual payment (an ''Annual Payment'') for each calendar year that is equal to the sum of the Participant's Trading Shares and Quoting Shares, as defined below, in each Eligible Security for the calendar year.

(ii) Security Income Allocation. The Security Income Allocation for an Eligible Security shall be determined by multiplying (i) the ''Net Income'' of this CTA Plan for the calendar year by (ii) the Volume Percentage for such Eligible Security (the ''initial allocation''), and then adding or subtracting any amounts specified in the reallocation set forth below. The Volume Percentage for an Eligible Security shall be determined by dividing (A) the square root of the dollar volume of transaction reports disseminated by the Processor in such Eligible Security during the calendar year by (B) the sum of the square roots of the dollar volume of transaction reports disseminated by the Processor in each Eligible Security during the calendar year. If the initial allocation of Net Income in accordance with the Volume Percentage of an Eligible Security equals an amount greater than $4.00 multiplied by the total number of qualified transaction reports in such Eligible Security during the calendar year, the excess amount shall be subtracted from the initial allocation for such Eligible Security and reallocated among all Eligible Securities in direct proportion to the dollar volume of transaction reports disseminated by the Processor in Eligible Securities during the calendar year. A transaction report with a dollar volume of $5,000 or more shall constitute one qualified transaction report. A transaction report with a dollar volume of less than $5,000 shall constitute a fraction of a qualified transaction report that equals the dollar volume of the transaction report divided by $5,000.

(iii) Trading Share. The Trading Share of a Participant in an Eligible Security shall be determined by multiplying (i) an amount equal to fifty percent of the Security Income Allocation for the Eligible Security by (ii) the Participant's Trade Rating in the Eligible Security. A Participant's Trade Rating in an Eligible Security shall be determined by taking the average of (A) the Participant's percentage of the total dollar volume of transaction reports disseminated by the Processor in the Eligible Security during the calendar year, and (B) the Participant's percentage of the total number of qualified transaction reports disseminated by the Processor in the Eligible Security during the calendar year. However, if a CTA network's Participant has entered into a contractual relationship that grants to the Participant the exclusive right to trade an Eligible Security, or the discretion to determine which other of the CTA network's Participants may trade the Eligible Security, the transaction reports to which the previous sentence refers shall not include in the calculation of the Trade Rating transaction reports relating to the Eligible Security. For the purpose of determining Trade Ratings, any transaction report of any of a CTA network's Eligible Securities that the Processor disseminates by means of the high speed line, which price is accompanied by a market identifier signifying that such transaction report relates to a completed ITS transaction, shall be deemed to have been reported to the Processor by the Participant which supplied the sell side of such transaction.

(iv) Quoting Share. The Quoting Share of a Participant in an Eligible Security shall be determined by multiplying (A) an amount equal to fifty percent of the Security Income Allocation for the Eligible Security by (B) the Participant's Quote Rating in the Eligible Security. A Participant's Quote Rating in an Eligible Security shall be determined by dividing (A) the sum of the Quote Credits earned by the Participant in such Eligible Security during the calendar year by (B) the sum of the Quote Credits earned by all Participants in such Eligible Security during the calendar year. A Participant shall earn one Quote Credit for each second of time (with a minimum of one full second) multiplied by dollar value of size that an automated best bid (offer) transmitted by the Participant to the Processor during regular trading hours is equal to the price of the national best bid (offer) in the Eligible Security and does not lock or cross a previously displayed automated quotation. An automated bid (offer) shall have the meaning specified in Rule 600 of Regulation NMS of the Act for an ''automated quotation.'' The dollar value of size of a quote shall be determined by multiplying the price of a quote by its size.

(v) Net Income. Each CTA network's Operating Expenses attributable to any calendar year (as defined in Section XII(c)) shall be deducted from that CTA network's Gross Income attributable to that calendar year (as defined in Section XII(b)). The balance after such deduction shall be such CTA network's ''Net Income'' attributable to such calendar year.

(vi) Allocation to Participants. A CTA network's Net Income, if any, attributable to each calendar year, whether a positive (above zero) amount or a negative amount (below zero), shall be allocated among all of that CTA network's Participants according to the sum of their respective Trading Shares and Quoting Shares as determined for that calendar year.

(vii) Payments. As soon as reasonably complete income and expense figures are available for each calendar quarter, each network's administrator shall (A) determine the cumulative year-to-date Net Income for its CTA network as at the end of such calendar quarter (the ''current Net Income'') and (B) distribute in accordance with section XII(a)(vi) that portion of the current Net Income (if any) as has not theretofore been distributed. Following the availability of audited financial statements for each calendar year, each network's administrator shall (1) calculate the difference (if any) between its CTA network's actual Net Income for the calendar year and the sum of the amount distributed or apportioned pursuant to the preceding sentence and (2) distribute such difference in accordance with Section XII(a)(vi). In the case of any negative (below zero) amount of Net Income (*i.e.,* a deficit), each Participant in the affected CTA network shall pay, promptly following billing therefor, its Trading Shares and Quoting Shares in each Eligible Security for the calendar year.

(viii) Recordkeeping and reporting. Each CTA network's administrator with

respect to its CTA network, shall maintain appropriate records reflecting all components of and exclusions from, (A) Gross Income (as referred to in Section XII(b)) and (B) Operating Expenses (as referred to in Section XII(c)). Each network's administrator with respect to its CTA network, and the independent public accountants referred to below shall furnish any such information and/or documentation reasonably requested in writing by a majority of that CTA network's Participants (other than that CTA network's administrator) in support of or relating to any of the computations to which this Section XII refers. All revenues, expenses, computations, allocations and payments in respect of either CTA network referred to in or required by this Section XII shall be reported annually to that CTA network's Participants by a firm of independent public accountants (which may be the firm regularly employed by that CTA network's administrator). In reporting a CTA Network's expenses, the accountants shall report only the Annual Fixed Payment and Extraordinary Expenses, as defined in Section XII(c)(i). Such accountants shall render their opinion that all such revenues, expenses, computations, allocations and payments have been reported in accordance with the understanding expressed in this Section XII. A copy of each such report shall also be furnished to the SEC for its information.

(b) Gross Income.

(i) Determination of Gross Income. Each CTA network's ''Gross Income'' attributable to any calendar year means all revenues received by that CTA network's administrator on behalf of all of that CTA network's Participants on account of all charges payable pursuant to this CTA Plan and attributable to that calendar year, including the high speed line fee revenues allocated to the networks pursuant to Section XII(b)(v). For the purpose of determining CTA Network A's Gross Income attributable to any calendar year, there shall be deducted, and allocated to NYSE, from those revenues attributable to that calendar year and received by the NYSE an amount which equals the product of those revenues and the ''bond allocation fraction''. The ''bond allocation fraction'' is a fraction, the numerator of which shall be the total number of transactions in bonds on the NYSE for that calendar year and the denominator of which shall be the sum of the total number of transactions in bonds on the NYSE and the total number of transactions in Network A Eligible Securities on the NYSE for that calendar year.

(ii) Charges generally. Charges to subscribers, vendors and others for the privilege of receiving and using a network's last sale price information are shown on the Schedule of Market Data Charges attached hereto as Exhibit E.

(iii) Establishing and amending charges. Any addition of any charge to, deletion of any charge from, or modification to any of, the charges set forth in Exhibit E (a ''New or Modified Charge'') shall be effected by an amendment to this CTA Plan appropriately revising Exhibit E that is approved by affirmative vote of not less than two-thirds of all of the then voting members of CTA. Any such amendment shall be executed on behalf of each Participant that appointed a voting member of CTA who approves such amendment and shall be filed with the SEC. However, charges imposed by the pilot test arrangements that Section IX(e) permits do not constitute New or Modified Charges and do not require an amendment to this CTA Plan or the CQ Plan.

(iv) Charges to Participants. The Participants are not exempt from the charges that are set forth in this CTA Plan and each shall pay such of those charges as may be applicable to it.

(v) Combined CTA Network A and CTA Network B charges. Insofar as the CTA Network A Participants and the CTA Network B Participants impose jointly a combined charge for the receipt of direct and/or indirect access to the high speed line, the revenues that they receive from any such charge shall be allocated between CTA Network A and CTA Network B in accordance with the networks' ''Relative Message Usage Percentages''. The network's administrators shall direct the Processor to calculate the allocation on a monthly basis. NYSE, in its role as high speed line access administrator, shall collect any such combined high speed line access charge and shall distribute to the CTA Network B administrator the amount allocated to CTA Network B on a quarterly basis, as soon as the allocation calculations become available for a calendar quarter.

''Relative message usage percentage'' means, as to each CTA network, a percentage equal to (A) the number of that network's messages that *the* network's Participants report over the high speed line for a month divided by (B) the sum of the number of both networks' messages that both networks' Participants report over the high speed line for that month.

For example, a month's relative message usage percentage for CTA Network A would be calculated as follows:

$$\text{CTA Network A Relative Message Usage Percentage} = \frac{A}{A + B},$$

where:

''A'' represents the number of messages that the CTA Network A Participants disseminate over CTA Network A pursuant to the CTA Plan during that month; and

''B'' represents the number of messages that the CTA Network B Participants disseminate over CTA Network B pursuant to the CTA Plan during that month.

For the purpose of this calculation, ''message'' includes any message that a Participant disseminates over the Consolidated Tape System, including, but not limited to, prices relating to Eligible Securities or concurrent use securities, administrative messages, index messages, corrections, cancellations and error messages.

(vi) Combined CTA and CQ charges.

(A) Network A subscriber charges. The CTA Network A Participants may establish jointly with the ''CQ Network A Participants'' (as the CQ Plan defines that term) one or more combined charges for the receipt of last sale price information and quotation information. In that event, (1) the financial results relating to the dissemination of ''CQ Network A quotation information'' (as the CQ Plan uses that term) and CTA Network A financial results shall be determined and reported on a combined basis and (2) this Section XII(b)(v) shall supersede any inconsistent provision of this CTA Plan. For these purposes, the combined net income of CTA/CQ Network A shall be defined as:

(a) The total amounts received by the NYSE from all parties in return for the privilege of receiving consolidated last

sale price information and quotation information in respect of Network A Eligible Securities, less

(b) the total of all CTA Network A Operating Expenses as referred to in Section XII(c) of this CTA Plan and all CQ Network A Operating Expenses as referred to in Section IX(c) of the CQ Plan.

In determining the clause (a) amount for any calendar year, there shall be deducted and allocated to the NYSE an amount in respect of last sale price information and quotation information for bonds traded on the NYSE. The amount for any calendar year shall equal the product of the clause (a) amount (without this deduction) times the ''bond allocation fraction'' (as defined in Section XII(b)(i)).

The combined CTA/CQ Network A net income attributable to each calendar year shall be distributed among the CTA/CQ Network A Participants according to the sum of their respective Trading Shares and Quoting Shares.

(B) Network B nonprofessional subscriber charges. The CTA Network B Participants may establish jointly with the ''CQ Network B Participants'' (as the CQ Plan defines that term) one or more combined charges for the receipt of last sale price information and quotation information by nonprofessional subscribers. Seventy-five percent of the revenues collected from those combined charges shall be allocated to the CTA Network B Participants under this CTA Plan and the remaining 25 percent of those revenues shall be allocated to the CQ Network B Participants.

(c) Operating Expenses.

(i) Determination of Operating Expenses. Each CTA network's ''Operating Expenses'' attributable to any calendar year means:

(Y) The network's ''Annual Fixed Payment'' for that Year; plus

(Z) ''Extraordinary Expenses.''

A network's Annual Fixed Payment shall compensate that network's administrator for its services as the CTA network administrator under this CTA Plan and as the network's administrator for the corresponding network under the CQ Plan.

For Network A, the ''Annual Fixed Payment'' commenced with calendar year 2008. For calendar year 2008, the ''Annual Fixed Payment'' for Network A was $6 million dollars. For Network B, the ''Annual Fixed Payment'' commenced with calendar year 2009. For calendar year 2009, the ''Annual Fixed Payment'' for Network B was $3 million dollars.

For each subsequent calendar year, a network's Annual Fixed Payment shall increase (but not decrease) by the percentage increase (if any) in the annual cost-of-living adjustment (''COLA'') that the U.S. Social Security Administration applies to Supplemental Security Income for the calendar year preceding that subsequent calendar year, subject to a maximum annual increase of five percent. For example, if the Social Security Administration's cost-of-living adjustment had been three percent for calendar year 2008, then the Annual Fixed Payment for CTA Network A and CQ Network A for calendar year 2009 would have increased by three percent to $6,180,000.

Every two years, each network's administrator will provide a report highlighting any significant changes to that network's administrative expenses under this CTA Plan and the CQ Plan during the preceding two years, and the Participants will review each network's Annual Fixed Payment and determine by majority vote whether to continue it at its then current level. On a quarterly basis, each network's administrator shall deduct one-quarter of each calendar year's Annual Fixed Payment from the aggregate of that CTA network's Gross Income and the ''Gross Income'' of the corresponding network under the CQ Plan, before determining that quarter's distributable ''Net Income'' under this CTA Plan and the CQ Plan. If a Participant's share of Net Income for either network for any calendar year (including the Net Income for the corresponding network under the CQ Plan) is less than its pro rata share of the Annual Fixed Payment for that calendar year, the Participant shall be responsible for the difference.

A CTA network's ''Extraordinary Expenses'' include that portion of the CTA network's legal and audit expenses and marketing and consulting fees that are outside of the ordinary and customary functions that a network administrator performs. For instance, Extraordinary Expenses would include such things as legal fees related to prosecution of a legal proceeding against a vendor that fails to pay applicable charges and fees relating to a marketing campaign that Participants determine to undertake to popularize stock trading.

(ii) Litigation costs. A CTA network's Operating Expenses shall not include any cost or expense incurred by any Participant (except those incurred by a Participant acting in its capacity as a network's administrator on behalf of that network's Participants) as the result of, or in connection with, its defense of any claim, suit or proceeding against CTA, the Processor, this CTA Plan or any one or more Participants, relating to this CTA Plan or the reception, generation or dissemination of that network's consolidated last sale price information as contemplated by this CTA Plan, and all such costs and expenses incurred by any such Participant shall be borne by such Participant without contribution or reimbursement; provided, however, that nothing herein shall affect or impair any right of indemnification included in any contract referred to in Section V(c) hereof.

(iii) Collection costs. Except as otherwise provided in this Section XII(c), each Participant and each other reporting party shall be responsible for paying the full cost and expense (without any reimbursement or sharing) incurred by it in collecting and reporting to the Processor in New York City last sale price information relating to Eligible Securities or associated with its market surveillance function.

**XIII. Concurrent Use of Facilities**

(a) Scope of concurrent use. Any Participant may agree with the Processor to use the high speed line for the purpose of disseminating ''concurrent use information''. ''Concurrent use information'' means market information that falls into one of the following categories:

(i) Last sale prices (and related information) relating to completed transactions effected on a Participant in (A) listed equity securities (other than Eligible Securities) or (B) bonds that are listed, or admitted to trading, on an exchange Participant (''concurrent use securities information''); and

(ii) information relating to an index (A) in which a Participant has a proprietary ownership interest or (B) that underlies a security that is listed, or admitted to trading, on an exchange Participant (''concurrent use index information'').

(b) Processing privileges and conditions. To the extent a Participant disseminates concurrent use information, the Participant shall do so subject to the same contractual obligations that the contracts described in Section V(c) impose on reporting parties. The Processor will provide any one or more of the same collection, processing, validation and dissemination functions that the Processor provides in respect of completed transactions in Eligible Securities and related information, including inclusion of that information in the data base that Section V(b) describes. The reporting of transactions in concurrent use securities information to the Processor and the sequencing and dissemination of concurrent use

information by the Processor as herein provided shall be subject to the same terms and conditions as those applicable to the reporting and dissemination of transactions in Eligible Securities, including compliance with the tape format and technical specifications to which Section VI(c) refers.

(c) Primacy of Eligible Securities. The collection, processing, validation and dissemination of concurrent use information by the Processor may in no way or manner interfere with the implementation of, operations under, and rights and obligations created by this CTA Plan in respect of last sale price information relating to completed transactions in Eligible Securities and contracts made, and the exercise of authority delegated, pursuant thereto. To the extent deemed necessary or appropriate, CTA shall develop procedures to avoid, insofar as possible, any interference with the orderly reporting and dissemination of transactions in Eligible Securities on the consolidated tape resulting from the reporting and dissemination of concurrent use information.

(d) Revenue sharing. The dissemination of concurrent use information shall have no impact on, and be wholly independent of, the revenue sharing provisions of Section XII and the computations thereunder. Except as Section XII(b)(i) otherwise provides in respect of bonds traded on the NYSE, transactions in concurrent use securities shall not be taken into consideration in connection with any computations made pursuant to Section XII of this CTA Plan, which computations are based on the number of last sale prices reported on the consolidated tape in respect of Eligible Securities.

(e) Costs and records. The Processor shall maintain records relating to the Processor's receipt, storage, processing, validating and transmission of concurrent use information and each Participant that makes concurrent use information available shall pay directly to the Processor such appropriate costs as the Processor may determine from time to time in respect of providing concurrent use facilities. The Processor shall provide each such Participant with periodic reports including, among other things, the volume of activity processed pursuant to the Participant's distribution of concurrent use information.

(f) Service and administrative requirements. The Participant(s) that make a category of concurrent use information available will allow vendors to use that information for the purposes of concurrent use information services, subject to the same contract and other requirements as apply in respect of services that use information relating to Eligible Securities, as set forth in Section IX. However, if one or more Participants impose a charge in respect of any concurrent use information that is separate and apart from the charges that the Participants impose in respect of Eligible Security services, CTA will not be responsible for collecting the charge, for administering vendor and subscriber contracts, and for otherwise performing administrative functions, relating to the separate service, except as a network's administrator may otherwise agree in writing.

(g) Indemnification for concurrent use.

(i) Any Participant that makes ''concurrent use'' of the high speed line (an ''Indemnifying User'') undertakes to indemnify and hold harmless CTA, each member of CTA, each other Participant, the Processor, each of their respective affiliates, directors, officers, employees and agents, and each director, officer and employee of each such affiliate and agent (collectively, the ''Indemnified Persons'') from and against any suit or other proceeding at law or in equity, claim, liability, loss, cost, damage or expense (including reasonable attorneys' fees) incurred by or threatened against any Indemnified Person.

(A) arising from or in connection with such concurrent use; and

(B) without limiting the generality of clause (A), pertaining to the timeliness, sequence, accuracy or completeness of the information disseminated through such concurrent use.

(ii) Each Indemnified Person shall give prompt written notice of any claim, or of any other manifestation by any person of an intention to assert a claim, against the Indemnified Person that may give rise to a claim for indemnification under this Section XIII(g) (a ''Claim Notice''). An omission to so notify the Indemnifying User will not relieve the Indemnifying User from any liability that it may have to the Indemnified Person otherwise than under this Section XIII(g).

(iii) Thereafter, the Indemnifying User may notify the Indemnified Person in writing that the Indemnifying User intends, at its sole cost and expense and through counsel of its choice, to assume the defense of the matter (an ''Intervention Notice'') and the Indemnifying User may thereafter so assume the defense. In that case, (A) the Indemnified Person shall take all appropriate action to permit and authorize the Indemnifying User fully to assume the defense, (B) the Indemnifying User shall keep the Indemnified Person fully apprised at all times as to the status of the defense, and (C) the Indemnified Person may, at no cost or expense to the Indemnifying User, (1) participate in the defense through counsel of his or its choice insofar as participation does not impair the Indemnifying User's control of the defense and (2) retain, assume or reassume sole control over every aspect of the defense that he or it reasonably believes is not the subject of the indemnification provided for in this Section XIII(g).

(iv) Until both (A) the Indemnified Person receives an Intervention Notice and (B) the Indemnifying User assumes the defense, the Indemnified Person may, at any time after ten days from the giving of the Claim Notice, (A) resist the claim or (B) after consulting with, and obtaining the consent of, the Indemnifying User, settle, otherwise compromise or pay the claim. In that case, (A) the Indemnifying User shall pay all costs of the indemnified Person arising out of the defense and of any settlement, compromise or payment and (B) the Indemnified Person shall keep the Indemnifying User apprised at all times as to the status of the defense.

(v) Following indemnification as provided for in this Section XIII(g), the Indemnifying User shall be subrogated to all rights of the Indemnified Person with respect to the matter for which indemnification has been made to all third parties.

(vi) An ''affiliate'' of any person includes any other person controlling, controlled by or under common control with such person.

**XIV. Miscellaneous**

(a) Withdrawal. Any Participant, after becoming exempted from, or otherwise ceasing to be subject to, the Rule or arranging to comply with the Rule in some manner other than through participation in this CTA Plan, may withdraw from this CTA Plan at any time on not less than sixty days' written notice to the Processor and each other Participant; provided, however, that such withdrawing Participant shall remain liable for, and shall pay upon demand, all amounts payable by it (i) in respect of its activities under this CTA Plan that occurred prior to the withdrawal, including those incurred pursuant to Section XII, and (ii) pursuant to the indemnification obligations imposed by its contract with the Processor as provided in Section V(c) hereof.

(b) Counterparts. This CTA Plan may be executed by the Participants in any number of counterparts, no one of which need contain all of the signatures of all Participants, and as many of such counterparts as shall together contain all of such signatures shall constitute one and the same instrument.

(c) Governing law. This CTA Plan shall be governed by, and interpreted in accordance with, the laws of the State of New York.

(d) Effective dates. This CTA Plan, and any contracts and resolutions made pursuant thereto, shall be effective as to any Participant when such plan has been approved by the Board of Directors of such Participant, executed on its behalf and approved by the SEC, and such Participant has commenced furnishing last sale price information pursuant thereto.

(e) Section headings. The headings used in this CTA Plan are intended for reference only. They are not intended and shall not be construed to be a substantive part of this CTA Plan.

**ATTACHMENT B**

**PROPOSED CHANGES TO THE CQ PLAN (Additions are *italicized;* Deletions are in [brackets])**

RESTATED PLAN

SUBMITTED TO

THE SECURITIES AND EXCHANGE COMMISSION

PURSUANT TO RULE 11Aac–1 UNDER

THE SECURITIES EXCHANGE ACT OF 1934

The undersigned hereby submit to the Securities and Exchange Commission (the ''SEC'') the following amendment to and restatement of the ''CQ Plan'', that is, the plan (1) that certain of the Participants filed for the dissemination on a current and continuous basis of bid and asked quotations and quotation sizes in Eligible Securities and related information and (2) that the SEC declared effective as of July 28, 1978, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, as amended. *Terms used in this plan have the same meaning as the terms defined in Rule 600(b) under the Act.*

**I. Definitions**

(a) ''Act'' means the Securities Exchange Act of 1934, as from time to time amended.

(b) ''Consolidated BBO'' means with respect to each Eligible Security:

(i) The highest bid and the lowest offer then being furnished to the Processor by any Participant hereunder;

(ii) If the Processor is in receipt of two or more bids or offers that meet the applicable criterion of clause (i), the bid or offer (as the case may be) between or among them with which the largest size is associated; or

(iii) If the Processor is in receipt of two or more bids or offers that meet the applicable criteria of both clause (i) and clause (ii), the bid or offer (as the case may be) between or among them received by the Processor first in time.

''Consolidated BBO'' excludes any bid or offer made available by a Participant that is an exchange during any period after such Participant has given to the Processor a notice of determination described in the first sentence of Section VI(e) hereof and before such Participant has given to the Processor a subsequent advice described in the third sentence of Section VI(e). For the purpose of the preceding clause (iii), a bid or offer with respect to which a change in the associated size occurs shall be deemed to be received at the time of such change.

(c) ''Consolidated Tape Association'' (''CTA'') has the meaning assigned to that term in the CTA Plan.

(d) ''CQ Network A'' refers to the System as utilized to make available ''CQ Network A quotation information'' (that is, quotation information with respect to ''Network A Eligible Securities'' (as the CTA Plan defines that term)).

(e) ''CQ Network B'' refers to the System as utilized to make available ''CQ Network B quotation information'' (that is, quotation information with respect to ''Network B Eligible Securities'' (as the CTA Plan defines that term)).

(f) ''CQ Plan'' means the plan set forth in this instrument as from time to time amended in accordance with the provisions hereof.

(g) A ''CQ Network's quotation information'' means either CQ Network A quotation information or CQ Network B quotation information.

(h) A ''CQ network's Participants'' means either the Participants that report CQ Network A quotation information (the ''Network A Participants'') or the Participants that report CQ Network B quotation information (the ''Network B Participants'').

(i) ''CTA Plan'' means the plan filed with the SEC in accordance with a predecessor to Rule 608 of Regulation NMS under the Act, as approved by the SEC and declared effective as of May 17, 1974, and as from time to time amended in accordance with the provisions thereof.

(j) ''Eligible Security'' has the meaning assigned to that term in the CTA Plan.

(k) ''Exchange'' means a securities exchange that is registered as a national securities exchange under section 6 of the Act.

(l) ''High speed line'' means the high speed data transmission facility in its employment as a vehicle for making available quotation information to vendors and other persons on a current basis, as described in Section VI(c) hereof.

(m) ''Interrogation device'' means any terminal or other device, including, without limitation, any computer, data processing equipment, communications equipment, cathode ray tube, monitor or audio voice response equipment, technically enabled to display, transmit or otherwise communicate, upon inquiry, quotation information in visual, audible or other comprehensible form.

(n) ''Interrogation service'' means any service that permits securities information retrieval by means of an interrogation device.

(o) ''ITS/CAES BBO'' has the meaning assigned to that term in the ''ITS Plan'' as approved by the SEC and declared effective as of May 17, 1982, and as from time to time amended.

(p) ''Listed equity security'' means any equity security that is registered for trading on an exchange Participant.

(q) ''Make available'' has the meaning assigned to that term in paragraph (a) of the Rule, but when the term is used to describe action to be taken by the Processor, it means such action is taken on behalf of, and as agent for, the Participant(s) furnishing the quotation information that is the subject of such action.

(r) ''Network's administrator'' means (a) with respect to CQ Network A, NYSE and (b) with respect to CQ Network B, AMEX or, as to those CQ Network B functions that NYSE performs in place of AMEX pursuant to Section VII(f), NYSE.

(s) ''Operating Committee'' means the committee of representatives of the Participants described in Section IV hereof.

(t) ''Participant'' means a party to this CQ Plan with respect to which such plan has become effective pursuant to Section XI(d) hereof.

(u) ''Person'' means a natural person or proprietorship, or a corporation, partnership or other organization.

*(v) Primary Listing Exchange'' means the national securities exchange on which an Eligible Security is listed. If an Eligible Security is listed on more than one national securities exchange, Primary Listing Exchange means the exchange on which the security has been listed the longest.*

[(v)] *(w)* ''Processor'' means the organization designated as recipient and processor of quotation information furnished by Participants pursuant to this CQ Plan, as Section V describes.

[(w)]*(x)* ''Quotation information'' means (i) all bids, offers, quotation sizes, aggregate quotation sizes, identities of brokers or dealers making bids or offers (in the case of a Participant that is a national securities association) and other information with respect to Eligible Securities required to be collected and made available by any Participant to vendors by paragraph (b) of the Rule; (ii) the identifier of the Participant furnishing each bid or offer; (iii) each [consolidated BBO]*NBBO* contained in the foregoing information and any identifier associated therewith; and (iv) each ITS/CAES BBO and any identifier associated therewith.

[(x)] *(y)* ''Quotation montage'' means, with respect to a particular listed equity security, a display on an interrogation device or other electronic device which disseminates simultaneously quotations in that security from all reporting market centers.

[(y)] *(z)* ''Rule'' means Rule 602 of Regulation NMS (previously designated as Rule 11Ac1–1) under the Act.

[(z)] *(aa)* ''Subscriber'' means a recipient of an interrogation service or another service involving a CQ network's quotation information.

[(aa)] *(bb)* ''System'' means the ''Consolidated Quotation System''; that is, the legal, operational and administrative framework created by, and pursuant to, this CQ Plan for the making available of quotation information to vendors and others, and its utilization therefor, as described in Section VI hereof.

[(bb)] *(cc)* ''Vendor'' means any person engaged in the business of disseminating quotation information with respect to listed equity securities to brokers, dealers, investors or other persons, whether through an electronic communications network, interrogation device, quotation montage service, or other service involving quotation information.

## II. Purpose of This CQ Plan

The purpose of this CQ Plan is to enable the Participants, through joint procedures, to make quotation information available to vendors and others in accordance with paragraph (b)(1) of the Rule.

## III. Parties

(a) List of parties. The parties to this CQ Plan are as follows:

Cboe BYX Exchange, Inc. (''BYX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe BZX Exchange, Inc. (''BZX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe EDGA Exchange, Inc. (''EDGA''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe EDGX Exchange, Inc. (''EDGX''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Cboe Exchange, Inc. (''Cboe''), registered as a national securities exchange under the Act and having its principal place of business at 400 South LaSalle Street, Chicago, Illinois 60605.

Financial Industry Regulatory Authority, Inc. (''FINRA''), registered as a national securities association under the Act and having its principal place of business at 1735 K Street NW, Washington, DC 20006.

Investors' Exchange LLC (''IEX''), registered as a national securities exchange under the Act and having its principal place of business at 3 World Trade Center, 58th Floor, New York, New York 10007.

Long-Term Stock Exchange, Inc. (''LTSE''), registered as a national securities exchange under the Act and having its principal place of business at 300 Montgomery St., Ste 790, San Francisco, CA 94104.

MEMX LLC (''MEMX''), registered as a national securities exchange under the ACT and having its principal place of business at 111 Town Square Place, Suite 520, Jersey City, New Jersey 07310.

MIAX PEARL, LLC (''MIAX''), registered as a national securities exchange under the Act and having its principal place of business at 7 Roszel Road, Suite 1A, Princeton, New Jersey 08540.

Nasdaq BX, Inc. (''BSE''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

Nasdaq ISE, LLC (''ISE''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

Nasdaq PHLX LLC (''PHLX''), registered as a national securities exchange under the Act and having its principal place of business at FMC Tower, Level 8, 2929 Walnut Street, Philadelphia, Pennsylvania 19104.

The Nasdaq Stock Market LLC (''Nasdaq''), registered as a national securities exchange under the Act and having its principal place of business at One Liberty Plaza, 165 Broadway, New York, New York 10006.

New York Stock Exchange LLC (''NYSE''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE American LLC (''AMEX''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE Arca, Inc. (''NYSE Arca''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE Chicago, Inc. (''NYSE Chicago''), registered as a national securities exchange under the Act and having its principal place of business at 11 Wall Street, New York, New York 10005.

NYSE National, Inc. (''NSX''), registered as a national securities exchange under the Act and having its principal place of business at 101 Hudson, Suite 1200, Jersey City, NJ 07302.

(b) Participants. By subscribing to this CQ Plan and submitting it for filing with the SEC, each of the Participants agrees to comply to the best of its ability with the provisions of this CQ Plan.

(c) Procedure for Participant entry.

(1) In General. The Participants agree that any other exchange, or any national securities association registered under the Act, may become a Participant by:

A. Subscribing to, and submitting for filing with the SEC, this CQ Plan;

B. executing all applicable contracts made pursuant to this CQ Plan, or otherwise necessary to its participation;

C. paying the applicable ''Participation Fee''; and

D. paying ''provisioning costs'' to the Processor.

Any such new Participant shall be subject to all resolutions, decisions and actions properly made or taken pursuant to this CQ Plan prior to its becoming a Participant.

## IV. Administration of This CQ Plan

(a) Operating Committee. Each of the Participants shall select one individual to represent such Participant as a member of the Operating Committee under this CQ Plan, together with a substitute for such individual, which substitute shall participate in the deliberations of the Operating Committee and shall be considered a member thereof only in the absence of such individual. Each such individual (and, in his absence, his substitute) shall have one vote on all matters which are considered by the Operating Committee. Except as this CQ Plan may otherwise specifically provide, the affirmative vote of that number of members as represents a majority of the total number of members of the Operating Committee shall be necessary for any action taken by the Operating Committee at a meeting thereof, including any action to modify the capacity planning process. Action taken by the members of the Operating Committee other than at a meeting shall be deemed to be the action of the Operating Committee

provided it is taken by affirmative vote of all the members and, if taken by telephone or other communications equipment, such action is confirmed in writing by each member within one week of the date such action is taken. Minutes shall be taken of all meetings of the Operating Committee.

The Operating Committee, directly or by delegating its functions to individuals, subcommittees established by it from time to time, or others, will administer this CQ Plan and will have the responsibilities and authority conferred upon it by this CQ Plan as described herein. Within the areas of its responsibilities and authority, decisions made or actions taken by the Operating Committee pursuant to this CQ Plan and in accordance with such responsibilities and authority will be binding upon each Participant (without prejudice to the rights of such Participant to seek redress in other forums under Section IV(d)) unless such Participant has withdrawn from this CQ Plan in accordance with Section XI(a) hereof.

(b) Authorized functions of Operating Committee. The Operating Committee shall have authority to oversee development of the System in accordance with the specifications therefor agreed upon by each of the Participants. The Operating Committee shall monitor the operation of the System and advise the Participants with respect to any deficiencies, problems or recommendations as the Committee may deem appropriate in its administration of this CQ Plan. In this connection, the Operating Committee shall also have authority to develop the procedures and make the administrative decisions necessary to facilitate the operation of the System in accordance with the provisions of this CQ Plan and to monitor compliance therewith.

(c) Amendments to CQ Plan. Except as Section IX(b) otherwise provides, any proposed change in, addition to, or deletion from this CQ Plan may be effected only by means of a written amendment to this CQ Plan which sets forth the change, addition or deletion, and either:

(i) Is executed by each Participant and approved by the SEC;

(ii) in the case of a ''Ministerial Amendment,'' is submitted by the Chairman of the Operating Committee, is the subject of advance notice to the Participants of not less than 48 hours and is approved by the SEC; or

(iii) otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 of Regulation NMS.

''Ministerial Amendment'' means an amendment to this CQ Plan that pertains solely to any one or more of the following:

(1) Admitting a new Participant into this CQ Plan;

(2) changing the name or address of a Participant;

(3) incorporating a change that the Commission has implemented by rule and that requires no conforming language to the text of this CQ Plan (*e.g.,* the Commission rule establishing the Advisory Committee);

(4) incorporating a change (i) that the Commission has implemented by rule, (ii) that requires conforming language to the text of this CQ Plan (*e.g.,* the Commission rule amending the revenue allocation formula), and (iii) that a majority of all Participants has voted to approve;

(5) incorporating a purely technical change, such as correcting an error or an inaccurate reference to a statutory provision, or removing language that has become obsolete (*e.g.,* language regarding ITS).

*(d) Plan Website Disclosures. The Operating Committee shall publish on the CQ Plan's website:*

*(1) The Primary Listing Exchange for each Eligible Security; and*

*(2) On a monthly basis, the consolidated market data gross revenues for Eligible Securities as specified by Tape A and Tape B securities.*

[(d)] *(e)* Participant rights. No action or inaction by the Operating Committee shall prejudice any Participant's right to present its views to the SEC or any other person with respect to any matter relating to this CQ Plan or to seek to enforce its views in any other forum it deems appropriate.

[(e)]*(f)* Potential Conflicts of Interests.

(1) Disclosure Requirements. The Participants, the Processor, the Plan Administrator, members of the Advisory Committee, and each service provider or subcontractor engaged in Plan business (including the audit of subscribers' data usage) that has access to Restricted or Highly Confidential Plan information (for purposes of this section, ''Disclosing Parties'') shall complete the applicable questionnaire to provide the required disclosures set forth below to disclose all material facts necessary to identify potential conflicts of interest. The Operating Committee, a Participant, Processor, or Administrator may not use a service provider or subcontractor on Plan business unless that service provider or subcontractor has agreed in writing to provide the disclosures required by this section and has submitted completed disclosures to the Administrator prior to starting work. If state laws, rules, or regulations, or applicable professional ethics rules or standards of conduct, would act to restrict or prohibit a Disclosing Party from making any particular required disclosure, a Disclosing Party shall refer to such law, rule, regulation, or professional ethics rule or standard and include in response to that disclosure the basis for its inability to provide a complete response. This does not relieve the Disclosing Party from disclosing any information it is not restricted from providing.

(i) A potential conflict of interest may exist when personal, business, financial, or employment relationships could be perceived by a reasonable objective observer to affect the ability of a person to be impartial.

(ii) Updates to Disclosures. Following a material change in the information disclosed pursuant to subparagraph (e)(1), a Disclosing Party shall promptly update its disclosures. Additionally, a Disclosing Party shall update annually any inaccurate information prior to the Operating Committee's first quarterly meeting of a calendar year.

(iii) Public Dissemination of Disclosures. The Disclosing Parties shall provide the Administrator with its disclosures and any required updates. The Administrator shall ensure that the disclosures are promptly posted to the Plan's website.

(2) Recusal.

(i) A Disclosing Party may not appoint as its representative a person that is responsible for or involved with the development, modeling, pricing, licensing, or sale of proprietary data products offered to customers of a securities information processor if the person has a financial interest (including compensation) that is tied directly to the exchange's proprietary data business and if that compensation would cause a reasonable objective observer to expect the compensation to affect the impartiality of the representative.

(ii) A Disclosing Party (including its representative(s), employees, and agents) will be recused from participating in Plan activities if it has not submitted a required disclosure form or the Operating Committee votes that its disclosure form is materially deficient. The recusal will be in effect until the Disclosing Party submits a sufficiently complete disclosure form to the Administrator.

(iii) A Disclosing Party, including its representative(s), and its affiliates and their representative(s), are recused from voting on matters in which it or its affiliate (i) are seeking a position or contract with the Plan or (ii) have a position or contract with the Plan and

whose performance is being evaluated by the Plan.

(iv) All recusals, including a person's determination of whether to voluntarily recuse himself or herself, shall be reflected in the meeting minutes.

* * * * *

**Required Disclosures for the CQ Plan**

As part of the disclosure regime, the Participants, the Processors, the Administrators, members of the Advisory Committee, and service providers and subcontractors must respond to questions that are tailored to elicit responses that disclose the potential conflicts of interest.

The Participants must respond to the following questions and instructions:

- Is the Participant's firm for profit or not-for-profit? If the Participant's firm is for profit, is it publicly or privately owned? If privately owned, list any owner with an interest of 5% or more of the Participant, where to the Participant's knowledge, such owner, or any affiliate controlling, controlled by, or under common control with the owner, subscribes, directly or through a third- party vendor, to SIP and/or exchange Proprietary Market Data products.
- Does the Participant firm offer real-time proprietary equity market data that is filed with the SEC (''Proprietary Market Data'')? If yes, list each product, describe its content, and provide a link to where fees for each product are disclosed.
- Provide the names of the representative and any alternative representatives designated by the Participant who are authorized under the Plans to vote on behalf of the Participant. Also provide a narrative description of the representatives' roles within the Participant organization, including the title of each individual as well as any direct responsibilities related to the development, dissemination, sales, or marketing of the Participant's Proprietary Market Data, and the nature of those responsibilities sufficient for the public to identify the nature of any potential conflict of interest that could be perceived by a reasonable objective observer as having an effect on the Plan. If the representative works in or with the Participant's Proprietary Market Data business, describe the representative's roles and describe how that business and the representative's Plan responsibilities impacts his or her compensation. In addition, describe how a representative's responsibilities with the Proprietary Market Data business may present a conflict of interest with his or her responsibilities to the Plan.
- Does the Participant, its representative, or its alternative representative, or any affiliate have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with their responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Processors must respond to the following questions and instructions:

- Is the Processor an affiliate of or affiliated with any Participant? If yes, disclose the Participant(s) and describe the nature of the affiliation. Include an entity-level organizational chart depicting the Processor and its affiliates.
- Provide a narrative description of the functions directly performed by senior staff, the manager employed by the Processor to provide Processor services to the Plans, and the staff that reports to that manager (collectively, the ''Plan Processor'').
- Does the Plan Processor provide any services for any Participant's Proprietary Market Data products or other Plans? If Yes, disclose the services the Plan Processor performs and identify which Plans. Does the Plan Processor have any profit or loss responsibility for a Participant's Proprietary Market Data products or any other professional involvement with persons the Processor knows are engaged in the Participant's Proprietary Market Data business? If so, describe.
- List the policies and procedures established to safeguard confidential Plan information that is applicable to the Plan Processor.
- Does the Processor, or its representatives, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with the representatives' responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Administrators must respond to the following questions and instructions:

- Is the Administrator an affiliate of or affiliated with any Participant? If yes, disclose the Participant(s) and describe the nature of the affiliation. Include an entity-level organizational chart depicting the Administrator and its affiliates.
- Provide a narrative description of the functions directly performed by senior staff, the administrative services manager, and the staff that reports to that manager (collectively, the ''Plan Administrator'').
- Does the Plan Administrator provide any services for any Participant's Proprietary Market Data products? If yes, what services? Does the Plan Administrator have any profit or loss responsibility, or licensing responsibility, for a Participant's Proprietary Market Data products or any other professional involvement with persons the Administrator knows are engaged in the Participant's Proprietary Market Data business? If so, describe.
- List the policies and procedures established to safeguard confidential Plan information that is applicable to the Plan Administrator.
- Does the Administrator, or its representatives, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with the representatives' responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The Members of the Advisory Committee must respond to the following questions and instructions:

- Provide the Advisor's title and a brief description of the Advisor's role within the firm.
- Does the Advisor have responsibilities related to the firm's use or procurement of market data?
- Does the Advisor have responsibilities related to the firm's trading or brokerage services?
- Does the Advisor's firm use the SIP? Does the Advisor's firm use exchange Proprietary Market Data products?
- Does the Advisor's firm have an ownership interest of 5% or more in one or more Participants? If yes, list the Participant(s).
- Does the Advisor actively participate in any litigation against the Plans?
- Does the Advisor or the Advisor's firm have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with their responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

Pursuant to Section IV(e)(1) of the Plan, each service provider or

subcontractor that has agreed in writing to provide required disclosures and be treated as a Disclosing Party pursuant to Section IV(e) of the Plan shall respond to the following questions and instructions:

- Is the service provider or subcontractor affiliated with a Participant, Processor, Administrator, or member of the Advisory Committee? If yes, disclose with whom the person is affiliated and describe the nature of the affiliation.
- If the service provider's or subcontractor's compensation is on a commission basis or is tied to specific metrics, provide a detailed narrative summary of how compensation is determined for performing work on behalf of the Plan.
- Is the service provider or subcontractor subject to policies and procedures (including information barriers) concerning the protection of confidential information that includes affiliates? If so, describe. If not, explain their absence.
- Does the service provider or subcontractor, or its representative, have additional relationships or material economic interests that could be perceived by a reasonable objective observer to present a potential conflict of interest with its responsibilities to the Plan? If so, provide a detailed narrative discussion of all material facts necessary to identify the potential conflicts of interest and the effects they may have on the Plan.

The responses to these questions will be posted on the Plan's website. If a Disclosing Party has any material changes in its responses, the Disclosing Party must promptly update its disclosures. Additionally, the Disclosing Parties must update the disclosures on an annual basis to reflect any changes. This annual update must be made before the first quarterly session meeting of each calendar year, which is generally held in mid-February.

[(f)]*(g)* Confidentiality Policy.

The Participants have adopted the confidentiality policy set forth in Exhibit F to the Plan.

**V. The Processor *and Competing Consolidators***

(a) SIAC, charter. The Securities Industry Automation Corporation (''SIAC'') has been engaged to serve as the Processor of quotation information reported to it for consolidation and dissemination to vendors and others. The Processor performs those services in accordance with the provisions of this CQ Plan and subject to the administrative oversight of the Operating Committee.

(b) Functions of the Processor. The primary functions of the Processor are:

(i) To operate and maintain computer and communications facilities for the receipt, processing, validating and dissemination of quotation information in accordance with the provisions of this CQ Plan and subject to the oversight of the Operating Committee;

(ii) to maintain and publish technical specifications for the reporting of quotation information from the Participants to the Processor;

(iii) to maintain and publish technical specifications for the dissemination of quotation information over the high speed line facilities;

(iv) to maintain a database of quotation information that the Processor collected from the Participants for use by the Participants and the SEC in monitoring and surveillance functions;

(v) to maintain back-up facilities to reduce the risk of serious interruption in the flow of market information; and

(vi) to provide computer and communications facility capacity in accordance with the capacity planning process for which the Processor contracts (in the form set forth in Exhibits A and B) provide.

(c) Processor contracts. Each Participant shall enter into a contract with the Processor which, among other things, obligates each Participant during the life of the contract to furnish its quotation information to the Processor in a format, and by means of computer or by other means, acceptable to the Operating Committee and the Processor.

Each Participant shall agree in its contract with the Processor to furnish quotation information to the Processor as promptly as possible and in accordance with Sections VI and VIII hereof. Such contracts will also authorize the Processor to process all quotation information furnished to it and to transmit such information in accordance with this CQ Plan. The contracts between a Participant and the Processor shall contain provisions requiring the Participant to reimburse the Processor for the services that the Processor provides to the Participant and to indemnify the Processor with respect to any claim, suit, other proceedings at law or in equity, liability, loss, cost, damage or expense incurred by or threatened against the Processor as a result of the furnishing of any quotation information, other market information or message by the indemnifying Participant to, and the making available as so furnished by, the Processor pursuant to this CQ Plan. Copies of the forms of such contracts are attached hereto as Exhibits A and B.

The Processor's contracts with Participants shall by their terms be subject at all times to applicable provisions of the Act, the rules and regulations thereunder, and this CQ Plan. Whenever any Participant withdraws from this CQ Plan pursuant to Section XI(a) hereof, the contract between the Processor and such Participant shall terminate.

(d) Review of Processor. The Operating Committee shall periodically review (at least every two years or from time to time upon the request of any two Participants, but not more frequently than once each year) whether (1) the Processor has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of this CQ Plan, (2) its reimbursable expenses have become excessive and are not justified on a cost basis, and (3) the organization then acting as the Processor should continue in such capacity or should be replaced. In making such review, consideration shall be given to such factors as experience, technological capability, quality and reliability of service, relative costs, back-up facilities and regulatory considerations.

The Operating Committee may replace the Processor if it determines that the Processor has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of this CQ Plan or that the Processor's reimbursable expenses have become excessive and are not justified on the basis of reasonable costs. Replacement of the Processor, other than for cause as provided in the preceding sentence, shall require an amendment to this CQ Plan adopted and filed as provided in Section IV(c) hereof.

(e) Notice to SEC of Processor reviews. The SEC shall be notified of the evaluations and recommendations made pursuant to any of the reviews provided for in Section V(c), including any minority views, and shall be supplied with a copy of any reports that may be prepared in connection therewith.

*(f) Evaluation of Competing Consolidators. On an annual basis, the Operating Committee shall assess the performance of Competing Consolidators, including an analysis with respect to speed, reliability, and cost of data provision. The Operating Committee shall prepare an annual report containing such assessment and furnish such report to the SEC prior to the second quarterly meeting of the Operating Committee. In conducting its analysis, the Operating Committee shall review the monthly performance metrics published by Competing Consolidators*

*pursuant to Rule 614(d)(5). ''Monthly performance metrics'' shall include:*

*(i) Capacity statistics, including system tested capacity, system output capacity, total transaction capacity, and total transaction peak capacity;*

*(ii) Message rate and total statistics, including peak output rates on the following bases: 1-millisecond, 10-millisecond, 100-millisecond, 500-millisecond, 1-second, and 5-second;*

*(iii) System availability statistics, including system up-time percentage and cumulative amount of outage time;*

*(iv) Network delay statistics, including quote and trade zero window size events, quote and trade retransmit events, and quote and trade message total; and*

*(v) Latency statistics, including distribution statistics up to the 99.99th percentile, for the following:*

*(A) When a Participant sends an inbound message to a Competing Consolidator and when the Competing Consolidator receives the inbound message;*

*(B) When the Competing Consolidator receives the inbound message and when the Competing Consolidator sends the corresponding consolidated message to a customer of the Competing Consolidator; and*

*(C) When a Participant sends an inbound message to a Competing Consolidator and when the Competing Consolidator sends the corresponding consolidated message to a customer of the Competing Consolidator.*

**VI. Collection and Reporting of Quotation Information**

(a) Responsibilities of Participants. Each Participant agrees to collect, and furnish to the Processor in a format acceptable to the [Processor and the] Operating Committee, all quotation information required to be made available by such Participant [to vendors by paragraph (b)(l) of the Rule]*by Rules 602(b)(1) of Regulation NMS. Each Participant further agrees to collect and report to Competing Consolidators and Self Aggregators all quotation information required to be made available by such Participant by Rule 603(b) of Regulation NMS, including all data necessary to generated consolidated market data.* Each bid and offer with respect to an Eligible Security furnished to the Processor*, Competing Consolidators, and Self-Aggregators* by any Participant pursuant to this CQ Plan shall be accompanied by (i) [the quotation size or aggregate quotation size associated therewith as required] *the information required* by *Rules 602(b)(1) or 603(b) of Regulation NMS, as applicable,* [paragraph (b)(l) of the Rule] and (ii) the time of the bid or offer as identified by:

(A) In the case of a national securities exchange, the reporting Participant's matching engine publication timestamp (reported in microseconds); or

(B) in the case of a national securities association, the quotation publication timestamp that the association's bidding or offering member reports to the association's quotation facility in accordance with FINRA rules.

Also, if a national securities association quotation facility (such as FINRA's Alternative Display Facility) provides a proprietary feed of its quotation information, then the quotation facility shall also furnish the Processor, *Competing Consolidators, and Self-Aggregators* with the time of the quotation as published on the quotation facility's proprietary feed.

The national securities association shall convert any quotation times reported to it in seconds or milliseconds to microseconds and shall furnish such times to the Processor, *Competing Consolidators, and Self-Aggregators* in microseconds.

*Each bid and offer with respect to an Eligible Security furnished to Competing Consolidators and Self-Aggregators by any Participant pursuant to this CQ Plan shall also be accompanied by the time the Participant made such bid and offer available to Competing Consolidators and Self Aggregators (reported in microseconds).*

In addition, each bid and offer with respect to an Eligible Security made by a broker or dealer otherwise than on the floor of an exchange and furnished to the Processor, *Competing Consolidators, and Self-Aggregators* by any Participant which is a national securities association shall, at the time furnished, be accompanied by an appropriate symbol designated by the [Processor and acceptable to the] Operating Committee identifying such broker or dealer as required by paragraph (b)(i) of the Rule.

(b) Timeliness of Reporting. Each Participant agrees to furnish quotation information, and changes in any such information, to the Processor as promptly as possible and to establish and maintain collection and reporting procedures and facilities such as to insure that on the average and under normal conditions, the bids and offers with respect to Eligible Securities required to be made available by such Participant to vendors by paragraph (b)(1) of the Rule will be furnished to the Processor within approximately one minute of the time such bid or offer is communicated to such Participant. The Participants agree that they shall have as an objective the reduction of the time period for furnishing quotation information to the Processor.

*Each Participant further agrees to furnish quotation information, and changes in any such information, to the Competing Consolidator and Self-Aggregators in the same manner and using the same methods, including all methods of access and the same format, as such Participant makes available any information with respect to quotations for and transactions in NMS stocks to any person.*

(c) High speed line and market identifiers. Subject to the rejection procedures described in Section VI(d), the Processor shall make available by means of the high speed line (i) all quotation information received by it without alteration and in the sequence in which it was received and (ii) the consolidated BBO contained in such quotation information with respect to each Eligible Security and any identifier associated with such consolidated BBO. Each bid and offer with respect to an Eligible Security transmitted by the Processor shall be accompanied by an appropriate symbol designated by the Processor and acceptable to the Operating Committee identifying the Participant that reported such bid or offer to the Processor. Each bid or offer with respect to an Eligible Security furnished to the Processor by a Participant that is a national securities association [(other than an ITS/CAES BBO)] shall be accompanied by the symbol identifying the broker or dealer who was reported to the Processor as having made such bid or offer otherwise than on the floor of an exchange. The quotation information transmitted by the Processor as referred to above shall be made available to persons receiving such information, including vendors, at the location in New York City designated by the Processor and acceptable to the Operating Committee.

(d) Processor validation and correction procedure. The quotation information received by the Processor from any Participant shall be validated by the Processor for proper format. If the format is incorrect as to any bid or offer made with respect to an Eligible Security, such bid or offer will be rejected and the Participant which reported such bid or offer will be so notified. The correction of the format of any such quotation information and any retransmission thereof to the Processor shall be the responsibility of the furnishing Participant. The Processor shall not perform any other validation function with respect to quotation information and shall have no responsibility regarding the accuracy of quotation information furnished to the

Processor as to the reasonableness of price or size, as to the identification of the furnishing Participant and, in the case of quotation information furnished by a national securities association, the broker or dealer which made the bid or offer, or as to any other data. Accordingly, as between the Processor and a Participant furnishing quotation information and except as to its format, the accuracy of such information shall be the sole responsibility of such Participant.

(e) Unusual market conditions. Whenever any Participant which is an exchange determines, as provided in paragraph (b)(3) of the Rule, that the level of trading activity or the existence of unusual market conditions is such that such Participant is incapable of collecting, processing and making available [to vendors ]the data with respect to any one or more Eligible Securities required to be made available pursuant to [paragraph (b)(l) of the Rule] *Rules 602(b)(1) and 603(b) of Regulation NMS* in a manner which accurately reflects the current state of the market in such securities on the floor of such Participant, such Participant shall immediately notify the Processor, *Competing Consolidators, and Self-Aggregators* of such determination. The Processor shall immediately thereupon give notice of such determination to each of the other Participants or its facilities manager, to each of the persons to whom it makes quotation information available pursuant to this CQ Plan and to the persons included as ''specified persons'' in paragraph (a)(15) of the Rule. Following such notification to the Processor, such Participant shall monitor the activity or conditions which formed the basis for such notification and, when it determines that it is again capable of collecting, processing and making available to vendors and others the quotation information with respect to the one or more affected Eligible Securities in a manner which accurately reflects the current state of the market in such securities on the floor of such Participant, such Participant shall immediately advise the Processor, *Competing Consolidators, and Self-Aggregators* thereof. The Processor shall immediately thereupon give notice of such advice to each of the persons identified in the second sentence of this Section VI(e).

[(f) Description of reporting procedures. Prior to the date upon which any Participant begins furnishing quotation information to the Processor pursuant to this CQ Plan, each such Participant shall prepare and submit to the Operating Committee and the Processor a description of the procedures by which it intends to comply with its obligations under this CQ Plan to collect quotation information and furnish it to the Processor. Thereafter, any revisions of such procedures shall be reported promptly to the Operating Committee and the Processor.]

**VII. Receipt and Use of Quotation Information**

(a) Requirements for receipt and use of information. Pursuant to fair and reasonable terms and conditions, each network's administrator shall provide for:

(i) The dissemination of each CQ network's quotation information on terms that are not unreasonably discriminatory to *Competing Consolidators, Self-Aggregators,* vendors, newspapers, Participants, Participant members and member organizations, and other persons over the high speed line; and

(ii) the use of that CQ network's quotation information by *Competing Consolidators, Self-Aggregators,* vendors, subscribers, newspapers, Participants, Participant members and member organizations, and other persons.

Subject to Section (IX)(b)(iii), each CQ network's Participants shall determine the terms and conditions that apply in respect of a particular manner of receipt or use of that CQ network's quotation information, including whether the manner of receipt or use shall require the recipients or users to enter into appropriate agreements with the network's administrator. The Participants shall apply those determinations in a reasonably uniform manner, so as to subject all parties that receive or use a CQ network's quotation information in a particular manner to terms and conditions that are substantially similar.

The Participants in both CQ networks expect that their network's administrator will require the following parties to enter into agreements with the network's administrator, acting on behalf of the CQ network's Participants, substantially in the form of Exhibit C (the ''Consolidated Vendor Form'') or a predecessor form of agreement:

(i) Any party that receives [a CQ network's quotation information] *consolidated market data* by means of a direct computer-to-computer interface with the Processor *or Competing Consolidators;*

*(ii) any Competing Consolidator or Self Aggregator that receives quotation information directly from a Participant for the purpose of creating consolidated market data;*

[(ii)]*(iii)* vendors and other persons that redisseminate [a CQ network's quotation information] *consolidated market data;* and

[(iii)]*(iv)* persons that use [a CQ network's quotation information] *consolidated market data* for such purposes as the CQ network's administrator may from time to time identify.

Each CQ network's Participants expect that their network's administrator will require subscribers, and other recipients of quotation information, that do not enter into the Consolidated Vendor Form, either:

(i) To enter into an agreement with its vendor that contains terms and conditions that run to the benefit of that CQ network's Participants and that are substantially similar to the terms and conditions set forth in the ''Subscriber Addendum'' attached as part of Exhibit D; or

(ii) to enter into agreements with the network's administrator, acting on behalf of the CQ network's Participants, substantially in the form of that CQ network's ''Consolidated Subscriber Form'' attached as part of Exhibit D or a predecessor form of agreement.

However, each network's administrator may determine that a particular manner of receipt or use by any party warrants terms and conditions different from those found in the Consolidated Vendor Form, the Subscriber Addendum or the Consolidated Subscriber Form, or requires no agreement at all.

(b) Approvals of redisseminators and terminations of approvals. All vendors *of and other parties that redisseminate* [of a CQ network's quotation information] *consolidated market data* [and other parties that redisseminate a CQ network's quotation information] (collectively, ''data redisseminators'') shall be required to be approved by that network's administrator. A network's administrator may terminate the approval of a data redisseminator if it determines that circumstances so warrant. All decisions to so terminate an approval must be approved by a majority of that CQ network's Participants. All actions of a CQ network's Participants approving, disapproving or terminating a prior approval of a data redisseminator will be final and conclusive on all of the CQ network's Participants, except that any data redisseminator aggrieved by any final decision of a CQ network's Participants may petition the SEC for review of the decision in accordance with the Act and the rules and regulations of the SEC thereunder.

(c) Subscriber terminations. A network's administrator may determine that circumstances warrant directing a data redisseminator to cease providing [that CQ network's quotation information] *consolidated market data* to a subscriber. Except as specifically authorized by the CQ network's Participants, the network's administrator shall, after making that determination, refer the matter to the CQ network's Participants for final decision before any action is taken. The CQ network's Participants may direct the data redisseminator to cease providing [the CQ network's quotation information] *consolidated market data* to the subscriber if a majority of those Participants determine that (i) such action is necessary or appropriate in the public interest or for the protection of investors, or (ii) the subscriber has breached any agreement required by the network's administrator pursuant to this Section VII. Any person aggrieved by any such final decision of the CQ network's Participants may petition the SEC for review of that decision in accordance with the Act and the rules and regulations of the SEC thereunder.

(d) Contracts subject to Act. The Consolidated Vendor Form, the Subscriber Addendum, the Consolidated Subscriber Form and any other agreement or addendum that a network's administrator requires pursuant to Section VII(a) shall by their terms be subject at all times to applicable provisions of the Act and the rules and regulations thereunder and shall subject vendor services to those provisions, rules and regulations.

(e) Market tests. Notwithstanding the provisions of Section VII(a) regarding the form of, and necessity for, agreements with recipients of quotation information and the provisions of Section IX(b) regarding the amount and incidence of charges, and the establishment and amendment of charges, a network's administrator, acting with the concurrence of a majority of the CQ network's Participants, may enter into arrangements of limited duration, geography and scope with vendors and other persons for pilot test operations designed to develop, or to permit the development of, new quotation information services and uses under terms and conditions other than those specified in Sections VII(a)–(d) and IX(b). Without limiting the generality of the foregoing, any such arrangements may dispense with agreements with, and collection of charges from, customers of such vendors or other persons. Any such arrangement shall afford the CQ network's Participants an opportunity to receive market research obtained from the pilot test operations and/or to participate in the pilot test operations. The network's administrator shall promptly report to the Operating Committee and the SEC about the commencement of each such arrangement and, upon its conclusion, any market research obtained from the pilot test operations.

(f) Performance of contract functions. This Section VII requires AMEX, as the CQ Network B administrator, to enter into arrangements on behalf of the Network B Participants so as to authorize vendors and other persons to receive and use CQ Network B quotation information for the purposes of assorted services. NYSE shall perform in place of AMEX such of the execution, administration and maintenance functions relating to those arrangements (other than arrangements with subscribers) as NYSE and AMEX may from time to time agree in the interest of administrative efficiency.

**VIII. Operational Matters**

(a) Regulatory and Operational Halts. Section XI(a) of the CTA Plan (''Regulatory Halts and Operational Halts'') governs regulatory and operational halts. The provisions of Section XI(a) of the CTA Plan shall apply to the Participants under this CQ Plan in the same manner, and with the same force and effect, as they apply to the Participants under the CTA Plan.

(b) Hours of operation. The Processor shall receive and make available quotation information pursuant to this CQ Plan between 9:00 a.m. and 6:30 p.m., eastern time, Monday through Friday (or during such other period on those days as the Operating Committee, by affirmative vote of all its members, may specify) while one or more Participants is open for trading. In addition, the Processor shall receive and make available quotation information pursuant to this CQ Plan during any other period (an ''additional period'') during which any one or more Participants wish to furnish quotation information to the Processor, provided that such Participant or Participants have agreed to pay all costs and expenses which would not have been incurred by the Processor had it not made the quotation information available during such additional period (''additional period costs and expenses''). Additional period costs and expenses shall include the cost of operating during the additional period to which such costs and expenses are attributable to that portion of the equipment associated with making quotation information available as is utilized for such purposes.

**IX. Financial Matters**

(a) Sharing of Income and Expenses. Each CQ Network's Participants shall share in the income and expenses associated with the making available of that CQ Network's quotation information in accordance with the provisions of this Section IX. Except as otherwise indicated, each income, expense and cost item, and each formula therefor described in this Section IX, applies separately to each of the two CQ networks and its respective Participants. The ''Annual Share'' of any Participant furnishing a CQ network's quotation information to the Processor, and the ''Gross Income'' and ''Operating Expenses'' for each CQ network (as defined in subsections (b) and (c), respectively, of this Section IX), shall be determined for each calendar year and shall be determined as of the end of each such calendar year.

(i) Annual Share. For the purposes of this CQ Plan, the ''Annual Share'' of any Participant furnishing CQ Network A quotation information or CQ Network B quotation information to the Processor for any calendar year shall be the same as the Participant's ''Annual Share'' as calculated pursuant to Section XI(a)(i) of the CTA Plan.

(ii) Net Income. Each CQ network's Operating Expenses attributable to any calendar year (as defined in Section IX(c)) shall be deducted from that CQ network's Gross Income attributable to that calendar year (as defined in Section IX(b)). The balance after such deduction shall be such CQ network's ''Net Income'' attributable to such calendar year.

(iii) Allocation to Participants. A CQ network's Net Income, if any, attributable to each calendar year, whether a positive (above zero) amount or a negative (below zero) amount, shall be allocated among all such CQ network's Participants according to their respective Annual Shares as determined for that calendar year.

(iv) Payments. As soon as reasonably complete income and expense figures are available for each calendar quarter, each network's administrator shall (A) determine the cumulative year-to-date Net Income for its CQ network as at the end of such quarter (the ''current Net Income'') and (B) distribute in accordance with Section IX(a)(iii) that portion of the current Net Income (if any) as has not theretofore been distributed. Following the availability of audited financial statements for each calendar year, each network's administrator shall (1) calculate the

difference (if any) between its CQ network's actual Net Income for the calendar year and the sum of the amount distributed pursuant to the preceding sentence and (2) distribute such difference in accordance with Section IX(a)(iii). In the case of any negative (below zero) amount of Net Income (*i.e.,* a deficit), each Participant in the affected CQ network shall pay, promptly following billing therefor, its Annual Share thereof.

(v) Recordkeeping and reporting. Each network's administrator with respect to its CQ network, shall maintain appropriate records reflecting all components of, and exclusions from, (A) Gross Income (as referred to in Section IX(b)) and (B) Operating Expenses (as referred to in Section IX(c)). Each network's administrator with respect to its CQ network, and the independent public accountants referred to below shall furnish any such information and/or documentation reasonably requested in writing by a majority of that network's Participants (other than such network's administrator) in support of or relating to any of the computations to which this Section IX refers. All revenues, expenses, computations, allocations and payments with respect to either CQ network referred to in or required by this Section IX shall be reported annually to that CQ network's Participants by a firm of independent public accountants (which may be the firm regularly employed by that network's administrator). In reporting a CQ network's expenses, the accountants shall report only the Annual Fixed Payment and Extraordinary Expenses, as defined in Section IX(c)(i). Such accountants shall render their opinion that all such revenues, expenses, computations, allocations and payments have been reported in accordance with the understanding expressed in this Section IX. A copy of each such report shall also be furnished to the SEC for its information.

(b) Gross Income.

(i) Determination of Gross Income. Each CQ network's ''Gross Income'' attributable to any calendar year means all revenues received by that network's administrator on behalf of all of that CQ network's Participants on account of all charges payable pursuant to this CQ Plan and attributable to that calendar year, including the high speed line fee revenues allocated to the networks pursuant to Section IX(b)(v). For the purpose of determining the Gross Income attributable to any calendar year with respect to each CQ network, there shall be deducted, and allocated to that network's administrator, from the CQ network's revenues attributable to that calendar year and received by such network's administrator, an amount which equals the product of those revenues and that CQ network's ''bond allocation fraction''. A CQ network's ''bond allocation fraction'' is a fraction, the numerator of which shall be the total number of transactions in bonds on such network's administrator during that calendar year and the denominator of which shall be the sum of the total number of transactions in bonds on such network's administrator during such calendar year and the total number of transactions in that CQ network's Eligible Securities on that network's administrator during that calendar year.

(ii) Charges generally. Charges under this CQ Plan shall be designed to achieve a revenue structure which prevents abrupt dislocations and avoids precipitous rate increases to recipients of quotation information. Such charges as from time to time in effect are shown on the Schedule of Market Data Charges attached to the CTA Plan as Exhibit E. References in this CQ Plan to ''Exhibit E'' refer to ''Exhibit E to the CTA Plan,'' as that exhibit is from time to time in effect.''

(iii) Establishing and amending charges. Charges for the receipt and use of quotation information may be set at a level other than that provided for in Section IX(b)(ii) only by an amendment to this CQ Plan appropriately revising Exhibit E that is approved by affirmative vote of that number of members of the Operating Committee as represents two-thirds of the total number of members of the Operating Committee. Any other additions, deletions or modifications to any charges under this CQ Plan shall be effected by an amendment to this CQ Plan appropriately revising Exhibit E that is approved by affirmative vote of two-thirds of all the members of the Operating Committee. Any amendment adopted pursuant to the two preceding sentences shall be executed on behalf of each Participant that appointed a member of the Operating Committee who approves such amendment and shall be filed with the SEC. Any other additions, deletions or modifications to any method of calculation of any charges under this CQ Plan shall be made only by amendment to this CQ Plan adopted and filed with the SEC as provided in Section IV(c) hereof. However, charges imposed by the pilot test arrangements that Section VII(e) permits do not constitute an amendment or modification of the charges set forth in Exhibit E and do not require an amendment to this CQ Plan or the CTA Plan.

(iv) Charges to Participants. The Participants are not exempt from the charges that are set forth in this CQ Plan and each shall pay such of those charges as may be applicable to it.

(v) Combined CQ Network A and CQ Network B charges. Insofar as the CQ Network A Participants and the CQ Network B Participants impose jointly a combined charge for the receipt of direct and/or indirect access to the high speed line, the revenues that they receive from any such charge shall be allocated between CQ Network A and CQ Network B in accordance with the networks' ''Relative Message Usage Percentages''. The network's administrators shall direct the Processor to calculate the allocation on a monthly basis. NYSE, in its role as high speed line access administrator, shall collect any such combined high speed line access charge and shall distribute to the CQ Network B administrator the amount allocated to CQ Network B on a quarterly basis, as soon as the allocation calculations become available for a calendar quarter.

''Relative message usage percentage'' means, as to each CQ network, a percentage equal to (A) the number of that network's messages that the network's Participants report over the high speed line for a month divided by (B) the sum of the number of both networks' messages that both networks' Participants report over the high speed line for that month.

For example, a month's relative message usage percentage for CQ Network A would be calculated as follows:

$$\text{CQ Network A Relative Message Usage Percentage} = \frac{A}{A + B}$$

where:

''A'' represents the number of messages that the CQ Network A Participants

disseminate over CQ Network A pursuant to the CQ Plan during that month; and

''B'' represents the number of messages that the CQ Network B Participants disseminate over CQ Network B pursuant to the CQ Plan during that month.

For the purpose of this calculation, ''message'' includes any message that a Participant disseminates over the Consolidated Quotation System, including, but not limited to, quotations relating to Eligible Securities or concurrent use securities, administrative messages, index messages, corrections, cancellations and error messages.

(vi) Combined CTA and CQ subscriber charges.

(A) Network A subscriber charges. The CQ Network A Participants may establish jointly with the ''CTA Network A Participants'' (as the CTA Plan defines that term) one or more combined charges for the receipt of last sale price information and quotation information. In that event, (1) the financial results relating to the dissemination of ''CTA Network A last sale price information'' (as the CTA Plan uses that term) and the CQ Network A financial results shall be determined and reported on a combined basis and (2) this Section IX(b)(v) shall supersede any inconsistent provision of this CQ Plan. For these purposes, the combined net income of CTA/CQ Network A shall be defined as Section XI(b)(v)(A) of the CTA Plan defines it.

The combined CTA/CQ Network A net income attributable to each calendar year shall be distributed among the CTA/CQ according to their respective Annual Shares.

(B) Network B nonprofessional subscriber charges. The CQ Network B Participants may establish jointly with the ''Network B Participants'' (as the CTA Plan defines that term) one or more combined charges for the receipt of quotation information and last sale price information by nonprofessional subscribers. Twenty-five percent of the revenues collected from those combined charges shall be allocated to the CQ Network B Participants and the remaining 75 percent of those revenues shall be allocated to the Network B Participants under the CTA Plan.

(c) Operating Expenses.

(i) Determination of Operating Expenses. Each CQ network's ''Operating Expenses'' attributable to any calendar year means:

(Y) the network's ''Annual Fixed Payment'' for that Year; plus

(Z) ''Extraordinary Expenses.''

A network's Annual Fixed Payment shall compensate that network's administrator for its services as the CQ network administrator under this CQ Plan and as the network's administrator for the corresponding network under the CTA Plan.

For Network A, the ''Annual Fixed Payment'' commenced with calendar year 2008. For calendar year 2008, the ''Annual Fixed Payment'' for Network A was $6 million dollars. For Network B, the ''Annual Fixed Payment'' commenced with calendar year 2009. For calendar year 2009, the ''Annual Fixed Payment'' for Network B was $3 million dollars.

For each subsequent calendar year, a network's Annual Fixed Payment shall increase (but not decrease) by the percentage increase (if any) in the annual cost-of-living adjustment (''COLA'') that the U.S. Social Security Administration applies to Supplemental Security Income for the calendar year preceding that subsequent calendar year, subject to a maximum annual increase of five percent. For example, if the Social Security Administration's cost-of-living adjustment had been three percent for calendar year 2008, then the Annual Fixed Payment for CQ Network A and CTA Network A for calendar year 2009 would have increased by three percent to $6,180,000.

Every two years, each network's administrator will provide a report highlighting any significant changes to that network's administrative expenses under this CQ Plan and the CTA Plan during the preceding two years, and the Participants will review each network's Annual Fixed Payment and determine by majority vote whether to continue it at its then current level.

On a quarterly basis, each network's administrator shall deduct one-quarter of each calendar year's Annual Fixed Payment from the aggregate of that CQ network's Gross Income and the ''Gross Income'' of the corresponding network under the CTA Plan, before determining that quarter's distributable ''Net Income'' under this CQ Plan and the CTA Plan. If a Participant's share of Net Income for either network for any calendar year (including the Net Income for the corresponding network under the CTA Plan) is less than its pro rata share of the Annual Fixed Payment for that calendar year, the Participant shall be responsible for the difference.

A CQ network's ''Extraordinary Expenses'' include that portion of the CQ network's legal and audit expenses and marketing and consulting fees that are outside of the ordinary and customary functions that a network administrator performs. For instance, Extraordinary Expenses would include such things as legal fees related to prosecution of a legal proceeding against a vendor that fails to pay applicable charges and fees relating to a marketing campaign that Participants determine to undertake to popularize stock trading.

(ii) Litigation costs. A CQ Network's Operating Expenses shall not include any cost or expense incurred by any Participant (except those incurred by a Participant acting in the capacity of a network's administrator on behalf of that network's Participants) as the result of, or in connection with, its defense of any claim, suit or proceeding against the Operating Committee, the Processor, this CQ Plan or any one or more Participants, relating to this CQ Plan or the reception, processing and making available of that CQ network's quotation information as contemplated by this CQ Plan, and all such costs and expenses incurred by any such Participant shall be borne by such Participant without contribution or reimbursement; provided, however, that nothing herein shall affect or impair any right of indemnification included in any contract referred to in Section V(b) hereof.

(iii) Collection costs. Except as otherwise provided in this Section IX(c), each Participant shall be responsible for paying the full cost and expense (without any reimbursement or sharing) incurred by it in collecting and furnishing to the Processor in New York City quotation information relating to Eligible Securities or associated with its market surveillance function.

**X. Concurrent Use of Facilities**

(a) Scope of concurrent use. Any Participant may agree with the Processor to use the high speed line for the purpose of disseminating ''concurrent use information''. ''Concurrent use information'' means bids, offers and related information relating to (i) listed equity securities (other than Eligible Securities) and (ii) bonds that are listed, or admitted to trading, on an exchange Participant (''concurrent use securities'').

(b) Processing privileges and conditions. To the extent a Participant disseminates concurrent use information, the Participant shall do so subject to the same contractual obligations that the contracts described in Section V(b) impose on the Participants. The Processor will provide any one or more of the same collection, processing, validation and dissemination functions that the Processor provides in respect of quotation information relating to Eligible Securities, and related information, including inclusion of that

information in the quotation information data base that the Processor maintains. The reporting of quotation information relating to concurrent use securities to the Processor and the sequencing and dissemination of concurrent use information by the Processor as herein provided shall be subject to the same terms and conditions as those applicable to the reporting and dissemination of quotation information relating to Eligible Securities, including compliance with tape format and technical specifications.

(c) Primacy of Eligible Securities. The collection, processing, validation and transmission of concurrent use information by the Processor may in no way or manner interfere with the implementation of, operations under, and rights and obligations created by this CQ Plan in respect of quotation information relating to Eligible Securities and contracts made, and the exercise of authority delegated, pursuant thereto. To the extent deemed necessary or appropriate, the Operating Committee shall develop procedures to avoid, insofar as possible, any interference with the orderly reporting and transmission of quotation information relating to Eligible Securities resulting from the reporting and transmission of concurrent use information.

(d) Revenue sharing. The dissemination of concurrent use information shall have no impact on, and be wholly independent of, the revenue sharing provisions of Section IX and the computations thereunder. Except as Section IX(b)(i) otherwise provides in respect of bonds traded on a network's administrator, transactions in concurrent use securities shall not be taken into consideration in connection with any computations made pursuant to Section IX, which computations are based on the number of reported last sale prices in Eligible Securities.

(e) Costs. The Processor shall maintain records relating to the Processor's receipt, storage, processing, validating and transmission of concurrent use information, and each Participant that makes concurrent use information available shall pay directly to the Processor such appropriate costs as the Processor may determine from time to time in respect of providing concurrent use facilities. The Processor shall provide each such Participant with periodic reports including, among other things, the volume of activity processed pursuant to the Participant's distribution of concurrent use information.

(f) Service and administrative requirements. The Participant(s) that make a category of concurrent use information available will allow vendors to use that information for the purposes of concurrent use information services, subject to the same contract and other requirements as apply in respect of services that use information relating to Eligible Securities, as set forth in Section VII. However, if one or more Participants impose a charge in respect of concurrent use information that is separate and apart from the charges that the Participants impose in respect of Eligible Securities services, the Operating Committee will not be responsible for collecting the charge, for administering vendor and subscriber contracts, and for otherwise performing administrative functions, relating to the separate service, except as a network's administrator may otherwise agree in writing.

(g) Indemnification for concurrent use.

(i) Any Participant that makes concurrent use of the high speed line (an ''Indemnifying User'') thereby undertakes to indemnify and hold harmless the Operating Committee, each member of the Operating Committee, each other Participant, the Processor, each of their respective affiliates, directors, officers, employees and agents, and each director, officer and employee of each such affiliate and agent (collectively, the ''Indemnified Persons'') from and against any suit or other proceeding at law or in equity, claim, liability, loss, cost, damage or expense (including reasonable attorneys' fees) incurred by or threatened against any Indemnified Person

(A) arising from or in connection with such concurrent use; and

(B) without limiting the generality of clause (A), pertaining to the timeliness, sequence, accuracy or completeness of the information disseminated through such concurrent use.

(ii) Each Indemnified Person shall give prompt written notice of any claim, or of any other manifestation by any person of an intention to assert a claim, against the Indemnified Person that may give rise to a claim for indemnification under this Section X (a ''Claim Notice''). An omission to so notify the Indemnifying User will not relieve the Indemnifying User from any liability that it may have to the Indemnified Person otherwise than under this Section X(g).

(iii) Thereafter, the Indemnifying User may notify the Indemnified Person in writing that the Indemnifying User intends, at its sole cost and expense and through counsel of its choice, to assume the defense of the matter (an ''Intervention Notice'') and the Indemnifying User may thereafter so assume the defense. In that case, (A) the Indemnified Person shall take all appropriate action to permit and authorize the Indemnifying User fully to assume the defense, (B) the Indemnifying User shall keep the Indemnified Person fully apprised at all times as to the status of the defense, and (C) the Indemnified Person may, at no cost or expense to the Indemnifying User, (1) participate in the defense through counsel of his or its choice insofar as participation does not impair the Indemnifying User's control of the defense and (2) retain, assume or reassume sole control over every aspect of the defense that he or it reasonably believes is not the subject of the indemnification provided for in this Section X(g).

(iv) Until both (A) the Indemnifying User receives an Intervention Notice and (B) the Indemnifying User assumes the defense, the Indemnified Person may, at any time after ten days from the giving of the Claim Notice, (i) resist the claim or (ii) after consulting with, and obtaining the consent of, the Indemnifying User, settle, otherwise compromise or pay the claim. In that case, (A) the Indemnifying User shall pay all costs of the Indemnified Person arising out of the defense and of any settlement, compromise or payment and (B) the Indemnified Person shall keep the Indemnifying User apprised at all times as to the status of the defense.

(v) Following indemnification as provided for in this Section X(g), the Indemnifying User shall be subrogated to all rights of the Indemnified Person with respect to the matter for which indemnification has been made to all third parties.

(vi) An ''affiliate'' of any person includes any other person controlling, controlled by or under common control with such person.

**XI. Miscellaneous**

(a) Withdrawal. Any Participant, after becoming exempted from, or otherwise ceasing to be subject to, the Rule or arranging to comply with the Rule in some manner other than through participation in this CQ Plan, may withdraw from this CQ Plan at any time on not less than sixty days' written notice to the Processor and each other Participant; provided, however, that such withdrawing Participant shall remain liable for, and shall pay upon demand, all amounts payable by it (i) in respect of its activities prior to the withdrawal under this CQ Plan,

including those incurred pursuant to Section IX, and (ii) pursuant to the indemnification obligations imposed by the contract(s) with the Processor to which Section V(b) refers.

(b) Counterparts. This CQ Plan may be executed by the Participants in any number of counterparts, no one of which need contain all of the signatures of all Participants, and as many of such counterparts as shall together contain all of such signatures shall constitute one and the same instrument.

(c) Governing Law. This CQ Plan shall be governed by, and interpreted in accordance with, the laws of the State of New York.

(d) Effective Dates. This CQ Plan, and any contracts and resolutions made pursuant thereto, shall be effective as to any Participant when such plan has been approved by the Board of Directors of such Participant, executed on its behalf and approved by the SEC, and such Participant has commenced furnishing quotation information pursuant thereto.

(e) Section headings. The headings used in this CQ Plan are intended for reference only. They are not intended and shall not be construed to be a substantive part of this CQ Plan.

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