

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 2 CFR Part 376

42 CFR Parts 23, 51c, 52i, 56, 57, 63, and 124

45 CFR Parts 3, 63, and 75

48 CFR Parts 302 and 326

[Docket Number HHS–OS–2020–0015]

RIN 0991–AC19

### Food and Drug Administration

21 CFR Parts 1, 5, 12, 14, 25, 81, 133, 172, 178, 184, 201, 310, 369, 501, and 582

### Centers for Medicare & Medicaid Services

42 CFR Parts 411, 412, 422, 423, 426, 440, 441, 447, 482, and 485

### Office of Inspector General

42 CFR Parts 1004 and 1008

### Administration for Children and Families

45 CFR Parts 305, 307, 1324, 1325, 1326, and 1328

### Regulatory Clean Up Initiative; Correction

**AGENCY:** Office of the Assistant Secretary for Administration (ASA), HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Health and Human Services is correcting a final rule that appeared in the **Federal Register** on November 16, 2020. This document had incorrectly designated footnotes and typographical errors.

**DATES:** Effective December 17, 2020.

**FOR FURTHER INFORMATION CONTACT:** Douglas Cheung, Ph.D., phone: 202–690–6704, email: [douglas.cheung@hhs.gov](mailto:douglas.cheung@hhs.gov); and [RegCleanUp@hhs.gov](mailto:RegCleanUp@hhs.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2020–21774, appearing on page 72899 in the **Federal Register** of November 16, 2020, the following corrections are made:

#### § 51c [Corrected]

■ 1. On page 72901, in the first column, in 42 CFR part 51c, “*Correct Reference*. Section 51c.107(5) . . .” is corrected to read “*Correct Reference*. Section 51c.107(b)(5) . . .”

#### § 56 [Corrected]

■ 2. On page 72901, in the second column, in 42 CFR part 56, a bullet is missing and is corrected to read as follows:

- *Correct Reference*. Section 56.603(e) is amended to remove the phrase “the most recent CSA Income Poverty Guidelines (45 CFR 1060.2)” and replace it with “the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)”. The Secretary of HHS is required to update the poverty guidelines at least annually, adjusting them based on the Consumer Price Index for All Urban Consumers. 45 CFR 1060.2 no longer exists; rather, updates are published at least annually in the **Federal Register**.

#### § 422 [Corrected]

■ 3. On page 72902, in the first column, in 42 CFR part 422, the third sentence of the last bullet, “The reference to § 423.858 . . .” is corrected to read “The reference to § 422.858 . . .”

#### § 5.1100 [Corrected]

■ 4. On page 72906, in the third column, instruction 6 is corrected to read as follows:

■ 6. Amend § 5.1100 by:

- a. Redesignating footnotes 2 through 62 as footnotes 3 through 63.
- b. Revising the entry for “Office of the Chief Counsel” as follows:

#### § 5.1100 Headquarters.

\* \* \* \* \*

*Office of the Chief Counsel.*<sup>2</sup>

<sup>2</sup> The Office of the Chief Counsel (also known as the Food and Drug Division, Office of the General Counsel, Department of Health and Human Services), while administratively within the Office of the Commissioner, is

part of the Office of the General Counsel of the Department of Health and Human Services.

\* \* \* \* \*

#### § 14.7 [Corrected]

■ 5. On page 72906, in the third column, instruction 11 is corrected to read as follows:

■ 11. Amend § 14.7(b) by removing “45 CFR 5.34” and adding in its place “45 CFR 5.61 through 5.64”.

#### § 56.303 [Corrected]

■ 6. On page 72908, in the third column, instructions 48 and 49 are corrected to read as follows:

■ 48. Amend § 56.303(f) by removing the phrase “the most recent CSA Poverty Income Guidelines (45 CFR 1060.2)” and adding in its place “the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)”.

49. Amend § 56.603(e) by removing the phrase “the most recent CSA Poverty Income Guidelines (45 CFR 1060.2)” and adding in its place “the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)”.

#### § 3.5 [Corrected]

■ 7. On page 72910, in the first column, instruction 91 is corrected to read as follows:

■ 91. Amend § 3.5 by:

a. Removing the reference “41 CFR part 101–48” and adding in its place “41 CFR 102”.

b. Removing “41 CFR 101–45.304 and 101–48.305” and adding in its place “41 CFR 102–41”.

#### § 1324.11 [Corrected]

■ 8. On page 72911, in the second column, instruction 102 is corrected to read as follows:

■ 102. Amend § 1324.11 by:

a. Removing the reference “1327.13(e)” and adding in its place “1324.13(e)”.

b. Removing all references “1327.19(b)(5) through (8)” and adding in their places “1324.19(b)(5) through (8)”.

c. Removing the reference “1327.21” and adding in its place “1324.21”.

Dated: November 24, 2020.

**Wilma M. Robinson,**

*Deputy Executive Secretary, Department of Health and Human Services.*

[FR Doc. 2020-26389 Filed 12-16-20; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2019-1054; Special Conditions No. 25-777-SC]

#### Special Conditions: Boeing Commercial Airplanes Model 777-9 Airplane; Overhead Flightcrew Rest Compartment Occupiable During Taxi, Takeoff, and Landing

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Boeing Commercial Airplanes (Boeing) Model 777-9 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is an overhead flightcrew rest (OFCR) compartment occupiable during taxi, takeoff, and landing (TT&L). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Effective January 19, 2021.

**FOR FURTHER INFORMATION CONTACT:** Shannon Lennon, Airframe and Cabin Safety Section, AIR-675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206-231-3209; email [shannon.lennon@faa.gov](mailto:shannon.lennon@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 6, 2013, Boeing applied for an amendment to Type Certificate No. T00001SE to include the new 777-9 airplane. The application date was extended to March 30, 2016, at Boeing's request. The Boeing Model 777-9 airplane, which is a derivative of the

Boeing Model 777 airplane currently approved under Type Certificate No. T00001SE, is a twin-engine, transport-category airplane with seating for 495 passengers, and a maximum takeoff weight of 775,000 lbs.

##### Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the 777-9 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00001SE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 777-9 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 777-9 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

##### Novel or Unusual Design Features

The Boeing Model 777-9 airplane will incorporate the following novel or unusual design features:

An overhead flightcrew rest (OFCR) compartment occupiable during taxi, takeoff, and landing.

##### Discussion

Crew rest compartments have been previously installed and certificated on several Boeing airplane models in locations such as in the main passenger seating area, the overhead space above

the main passenger-cabin seating area, and below the passenger-cabin seating area within the cargo compartment. In each case, the Administrator determined that the applicable regulations (i.e., 14 CFR part 25) did not provide all of the necessary requirements, because each installation had unique features by virtue of its design, location, and use on the airplane.

For Boeing Model 777 airplanes, the FAA issued Special Conditions No. 25-260-SC, dated April 14, 2004, for OFCR compartments allowed to be occupied during TT&L, as well as during flight. However, after issuance of Special Conditions No. 25-260-SC, the FAA issued Special Conditions No. 25-418-SC for the Boeing Model 787-8 airplane, for the same novel design feature, with changes to better address oxygen systems and fire suppressors. Those special conditions reflected the methodology necessary to provide an equivalent level of safety for remote OFCR compartments. Therefore, new special conditions are issued for this design feature on Boeing Model 777-9 airplanes, in lieu of Special Conditions No. 25-260-SC.

For the Boeing Model 777-9 airplane, the OFCR compartment is located in the overhead space above the main passenger-cabin seating area immediately aft of the first pair of main-deck emergency exits (Door 1). The compartment includes two private berths and up to two seats. Occupancy of the compartment will be limited to a maximum of four trained crewmembers during flight, and two trained flightcrew members, one in each seat, during TT&L. The compartment will be accessed from the main deck by stairs through a vestibule. In addition, a secondary evacuation route, which opens directly into the main passenger seating area, will be available as an alternate route for evacuating occupants of the compartment. A smoke-detection system and an oxygen system will be provided in the compartment. Other optional features, such as a sink with cold-drink stowage or a lavatory, may be provided as well.

This Boeing Model 777-9 airplane OFCR compartment is novel or unusual to part 25 due to its design, location, and use on the airplane. This compartment is particularly novel or unusual in that it is located in the overhead area of the passenger compartment, and will be occupied by trained flightcrew during TT&L. Due to the novel or unusual features associated with the installation of this compartment, special conditions are considered necessary to provide a level