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Presidential Documents

Title 3—

The President

Memorandum of January 27, 2021

Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking

Memorandum for the Heads of Executive Departments and Agencies

It is the policy of my Administration to make evidence-based decisions guided by the best available science and data. Scientific and technological information, data, and evidence are central to the development and iterative improvement of sound policies, and to the delivery of equitable programs, across every area of government. Scientific findings should never be distorted or influenced by political considerations. When scientific or technological information is considered in policy decisions, it should be subjected to well-established scientific processes, including peer review where feasible and appropriate, with appropriate protections for privacy. Improper political interference in the work of Federal scientists or other scientists who support the work of the Federal Government and in the communication of scientific facts undermines the welfare of the Nation, contributes to systemic inequities and injustices, and violates the trust that the public places in government to best serve its collective interests.

This memorandum reaffirms and builds on the Presidential Memorandum of March 9, 2009 (Scientific Integrity), and the Director of the Office of Science and Technology Policy's Memorandum of December 17, 2010 (Scientific Integrity).

By the authority vested in me as President by the Constitution and the laws of the United States of America, I direct as follows:

Section 1. *Role of the Director of the Office of Science and Technology Policy*. The Director of the Office of Science and Technology Policy (Director) shall ensure the highest level of integrity in all aspects of executive branch involvement with scientific and technological processes. This responsibility shall include ensuring that executive departments and agencies (agencies) establish and enforce scientific-integrity policies that ban improper political interference in the conduct of scientific research and in the collection of scientific or technological data, and that prevent the suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results. In implementing this memorandum, the Director shall, as appropriate, convene and confer with the heads of agencies and with personnel within the offices of the Executive Office of the President, including the Office of Management and Budget.

Sec. 2. *Task Force on Scientific Integrity*. (a) The Director shall convene an interagency task force (the ''Task Force'') of the National Science and Technology Council (NSTC) to conduct a thorough review of the effectiveness of agency scientific-integrity policies developed since the issuance of the Presidential Memorandum of March 9, 2009.

(b) The Task Force shall complete its review within 120 days of the date of the appointment of its members, and shall take the following actions when completing its review.

(i) The Task Force shall ensure its review considers whether existing Federal scientific-integrity policies prevent improper political interference in the conduct of scientific research and the collection of scientific or technological data; prevent the suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results;

support scientists and researchers of all genders, races, ethnicities, and backgrounds; and advance the equitable delivery of the Federal Government's programs.

(ii) The Task Force's review shall include an analysis of any instances in which existing scientific-integrity policies have not been followed or enforced, including whether such deviations from existing policies have resulted in improper political interference in the conduct of scientific research and the collection of scientific or technological data; led to the suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results; disproportionately harmed Federal scientists and researchers from groups that are historically underrepresented in science, technology, and related fields; or impeded the equitable delivery of the Federal Government's programs. The scope of this review shall include the work of scientific and technological advisory committees, boards, and similar bodies. The existing policies examined by this review shall include those issued pursuant to the Presidential Memorandum of March 9, 2009, and the Director's Memorandum of December 17, 2010; any other scientific-integrity policies published on agency websites; and commonly accepted scientific-integrity practices.

(iii) The Task Force shall identify effective practices regarding engagement of Federal scientists, as well as contractors working on scientific matters for agencies, with news media and on social media; effective policies that protect scientific independence during clearance and review, and that avoid improper political interference in research or data collection; effective approaches for handling any disagreements about scientific methods and conclusions; effective reporting practices that promote transparency in the implementation of agency scientific-integrity policies and in the handling of any allegations of misconduct; effective practices for educating and informing employees and contractors of their rights and responsibilities related to agency scientific-integrity policies; promising opportunities to address gaps in current scientific-integrity policies related to emerging technologies, such as artificial intelligence and machine-learning, and evolving scientific practices, such as citizen science and community-engaged research; effective approaches to minimizing conflicts of interest in Federal Government science; and policies that support the professional development of Federal scientists in accordance with, and building on, section IV of the Director's Memorandum of December 17, 2010.

(iv) To inform the review, the Task Force shall gather input from stakeholders and the public regarding scientific-integrity practices. The Task Force shall consider obtaining such input through various means, which may include holding a virtual stakeholder summit hosted by the Office of Science and Technology Policy (OSTP), issuing a public request for information, and conducting a virtual listening tour or open forums.

(v) Upon the conclusion of its review, the Director shall publish a report on the OSTP website synthesizing the Task Force's findings. The report shall include a description of agencies' strengths and weaknesses regarding scientific-integrity policies, as well as a description of best practices and lessons learned.

(c) Within 120 days of the publication of the Task Force's initial 120-day review of existing scientific-integrity policies, the Task Force shall develop a framework to inform and support the regular assessment and iterative improvement of agency scientific-integrity policies and practices, to support the Director and OSTP in ensuring that agencies adhere to the principles of scientific integrity. This framework shall include assessment criteria that OSTP and agencies can use to inform, review, and improve the design and implementation of agency scientific-integrity policies. The Director shall publish this framework on the OSTP website.

Sec. 3. *Agency Scientific-Integrity Policies.* (a) Heads of agencies shall ensure that all agency activities associated with scientific and technological processes are conducted in accordance with the 6 principles set forth in section

1 of the Presidential Memorandum of March 9, 2009, and the 4 foundations of scientific integrity in government set forth in part I of the Director's Memorandum of December 17, 2010.

(b) Heads of agencies shall ensure that their agency scientific-integrity policies reflect the findings in the Task Force report produced under section (2)(b)(v) of this memorandum and apply to all agency employees, regardless of the nature of their appointment, as well as contractors who perform scientific activities for agencies. Heads of agencies shall coordinate with the Director in the development, updating, and implementation of any agency-specific policies or procedures deemed necessary to ensure the integrity of scientific decision-making. The following time frames shall apply when completing the activities described in this subsection:

(i) The head of each agency with an existing scientific-integrity policy shall submit an updated policy to the Director within 180 days of the publication of the Task Force's report.

(ii) The head of each agency without an existing scientific-integrity policy shall submit a draft agency scientific-integrity policy to the Director within 180 days of the publication of the Task Force's report.

(iii) The Director shall expeditiously review scientific-integrity policies submitted by the agencies to ensure that the policies respond to the Task Force's analysis, adhere to the policy directives in this memorandum, and uphold the highest standards of scientific practice.

(iv) The Director shall notify agencies of any deficiencies in the scientific-integrity policies and collaborate with agencies to expeditiously correct those deficiencies.

(c) In implementing this section, heads of agencies shall:

(i) Provide the Director with any information the Director deems necessary to conduct the Director's duties under this memorandum;

(ii) Publish the agency's scientific-integrity policy on the agency's website, and disseminate information about the policy through the agency's social media channels;

(iii) Develop and publish procedures, as appropriate and consistent with applicable law, for implementing the agency's scientific-integrity policy, including establishing and publishing an administrative process for reporting, investigating, and appealing allegations of deviations from the agency's policy, and for resolving any disputes or disagreements about scientific methods and conclusions;

(iv) Review and, as needed, update within 60 days of the date of this memorandum any website content, and within 300 days of the date of this memorandum any agency reports, data, and other agency materials issued or published since January 20, 2017, that are inconsistent with the principles set forth in this memorandum and that remain in use by the agency or its stakeholders;

(v) Educate agency employees, as well as contractors who perform scientific activities for the agency, on their rights and responsibilities related to scientific integrity, including by conducting routine training on the agency's scientific-integrity policy for all employees, and by ensuring any new employees are made aware of their responsibilities under the agency's scientific-integrity policy shortly after they are hired; and

(vi) Publish, consistent with any requirements related to national security and privacy, as well as any other applicable law, an annual report on the agency's website that includes the number of administrative investigations and appeals involving alleged deviations from the agency's scientific-integrity policies, as described in section (3)(c)(iii) of this memorandum, for the year covered by the report, and the number of investigations and appeals pending from years prior to the year covered by the report, if any.

Sec. 4. *Publication of Scientific-Integrity Policies and Ongoing Biennial Reporting.* (a) The Director shall publish on the OSTP website, and disseminate via social media, information about this memorandum, related OSTP and NSTC reports on scientific integrity, and links to the scientific-integrity policies posted on agency websites, to ensure such information and policies can be easily accessed by the public.

(b) The Director shall publish on the OSTP website, and disseminate via social media, a biennial report on the status of the implementation of this memorandum across the executive branch. This report shall include a review of the impact on scientific integrity of diversity, equity, and inclusion practices related to the Federal scientific and engineering workforce and scientific Federal advisory committees.

Sec. 5. *Evidence-Based Policymaking.* (a) Heads of agencies shall ensure that the scientific-integrity policies of their agencies consider, supplement, and support their plans for forming evidence-based policies, including the evidence-building plans required by 5 U.S.C. 312(a) and the annual evaluation plans required by 5 U.S.C. 312(b).

(b) Within 120 days of the date of this memorandum, after consultation with the Director, the Director of the Office of Management and Budget (OMB) shall issue guidance to improve agencies' evidence-building plans and annual evaluation plans. Specifically, the Director of OMB shall consider whether, consistent with, and building upon, Executive Order 13707 of September 15, 2015 (Using Behavioral Science Insights to Better Serve the American People), agencies' evidence-building plans and annual evaluation plans shall include a broad set of methodological approaches for the evidence-based and iterative development and the equitable delivery of policies, programs, and agency operations. Relevant approaches might include use of pilot projects, randomized control trials, quantitative-survey research and statistical analysis, qualitative research, ethnography, research based on data linkages in which records from two or more datasets that refer to the same entity are joined, well-established processes for community engagement and inclusion in research, and other approaches that may be informed by the social and behavioral sciences and data science.

(c) The statutory positions required to be designated by agencies by the Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115–435), which include the Evaluation Officer, the Chief Data Officer, and a senior statistical official, shall incorporate scientific-integrity principles consistent with this memorandum into agencies' data governance and evaluation approaches. Similarly, the Chief Data Officers Council shall incorporate scientific-integrity principles consistent with this memorandum into its efforts to establish government-wide best practices for the use, protection, dissemination, and generation of data, and both the Chief Data Officers Council and the Evaluation Officer Council shall identify ways in which agencies can improve upon the production of evidence for use in policymaking.

(d) Consistent with the provisions of the Foundations for Evidence-Based Policymaking Act of 2018, heads of agencies shall, as appropriate and consistent with applicable law, expand open and secure access to Federal data routinely collected in the course of administering Federal, State, local, Tribal, or territorial government programs or fulfilling Federal, State, local, Tribal, or territorial government mandates, such as tax data, vital records, other statistical data, and Social Security Administration earnings and employment reports, to ensure governmental and non-governmental researchers can use Federal data to assess and evaluate the effectiveness and equitable delivery of policies and to suggest improvements. In implementing this provision, heads of agencies shall:

(i) Make these data available by default in a machine-readable format and in a manner that protects privacy and confidential or classified information, and any other information protected from disclosure by law;

(ii) Publish an agency data plan that provides a consistent framework for data stewardship, use, and access. If publishing such a plan is not feasible, then the head of the agency shall publish guidelines outlining how the data were collected, metadata on data use, any limitations on data use, and ways for researchers to provide feedback on data shared;

(iii) Follow the mandates of the Information Quality Act (section 515 of Public Law 106–554) in assessing and making available to researchers information on the quality of the data being provided; and

(iv) Where possible, provide such data disaggregated by gender, race, ethnicity, age, income, and other demographic factors that support researchers in understanding the effects of policies and programs on equity and justice.

(e) The Director of OMB shall review whether guidance to agencies on implementation of the Information Quality Act needs to be updated and reissued.

(f) Heads of agencies shall review and expeditiously update any agency policies, processes, and practices issued or published since January 20, 2017, that prevent the best available science and data from informing the agency's evidence-based and iterative development and equitable delivery of policies and programs.

Sec. 6. *Agency Chief Science Officers and Scientific Integrity Officials.* (a) Within 120 days of the date of this memorandum, the heads of agencies that fund, conduct, or oversee scientific research shall, to the extent consistent with applicable law, designate a senior agency employee for the role of chief science officer, science advisor, or chief scientist (''Chief Science Officer''), who shall:

(i) Serve as the principal advisor to the head of the agency on scientific issues and ensure that the agency's research programs are scientifically and technologically well-founded and conducted with integrity; and

(ii) Oversee the implementation and iterative improvement of policies and processes affecting the integrity of research funded, conducted, or overseen by the agency, as well as policies affecting the Federal and non-Federal scientists who support the research activities of the agency, including scientific-integrity policies consistent with the provisions of this memorandum.

(b) Because science, facts, and evidence are vital to addressing policy and programmatic issues across the Federal Government, the heads of all agencies (not only those that fund, conduct, or oversee scientific research) shall designate expeditiously a senior career employee as the agency's lead scientific-integrity official (''Scientific Integrity Official'') to oversee implementation and iterative improvement of scientific-integrity policies and processes consistent with the provisions of this memorandum, including implementation of the administrative and dispute resolution processes described in section (3)(c)(iii) of this memorandum. For agencies with a Chief Science Officer, the Scientific Integrity Official shall report to the Chief Science Officer on all matters involving scientific-integrity policies.

(c) To the extent necessary to fully implement the provisions of this memorandum, heads of agencies may designate additional scientific-integrity points of contact in different offices and components, who shall coordinate with the agency's Scientific Integrity Official in implementing the agency's scientific-integrity policies and processes.

(d) Heads of agencies should ensure those designated to serve in the roles described in this section, along with their respective staffs, are selected based on their scientific and technological knowledge, skills, experience, and integrity, including experience conducting and overseeing scientific research and utilizing scientific and technological information and data in agency decision-making, prioritizing experience with evidence-based, equitable, inclusive, and participatory practices and structures for the conduct of scientific research and the communication of scientific results.

(e) The Director or a designee of the Director shall regularly convene Chief Science Officers and Scientific Integrity Officials to encourage the discussion and expansion of effective scientific-integrity policies and practices among agencies.

Sec. 7. *Scientific Advisory Committees*. (a) Within 90 days of the date of this memorandum, heads of agencies shall review their current and future needs for independent scientific and technological advice from Federal advisory committees, commissions, and boards. The review should include an evaluation of those advisory bodies established by law, and should consider both current and anticipated needs.

(b) This review shall assess which Federal scientific and technological advisory committees should be rechartered or recreated to ensure that relevant and highly qualified external experts, with proper safeguards against conflicts of interest, can contribute to critical Federal regulations and other agency actions and decision-making. The review shall also identify any agency policies, processes, or practices that may currently prevent or inhibit relevant and highly qualified external experts from serving on such committees.

(c) In conducting this review, heads of agencies shall take steps to review the membership of scientific and technological advisory committees and, as appropriate and consistent with applicable law, ensure that members and future nominees reflect the diversity of America in terms of gender, race, ethnicity, geography, and other characteristics; represent a variety of backgrounds, areas of expertise, and experiences; provide well-rounded and expert advice to agencies; and are selected based on their scientific and technological knowledge, skills, experience, and integrity, including prioritization of experience with evidence-based, equitable, inclusive, and participatory practices and structures for the conduct of scientific research and the communication of scientific results.

(d) Upon completion of their 90-day review, heads of agencies shall provide a summary report to the Director and the Director of OMB with recommendations on which Federal scientific and technological advisory committees should be rechartered or recreated in accordance with subsection (b) of this section; which scientific and technological advisory committees should be prioritized for membership appointments to ensure they provide well-rounded and expert advice reflecting diverse perspectives, in accordance with subsection (c) of this section; and which agency policies, processes, or practices, if any, should be updated to encourage relevant and highly qualified external experts to serve on such committees.

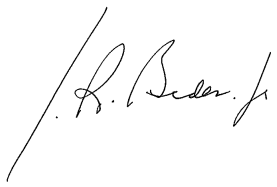
Sec. 8. *General Provisions*. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
Washington, January 27, 2021

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Rules and Regulations

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FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1702; RIN 7100–AF 76]

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') is adopting as a final rule, without change, its March 24, 2020 interim final rule amending its Regulation D (Reserve Requirements of Depository Institutions) to lower reserve requirement ratios on transaction accounts maintained at depository institutions to zero percent.

DATES: The final rule is effective March 12, 2021.

FOR FURTHER INFORMATION CONTACT: Sophia H. Allison, Senior Special Counsel, (202–452–3565), Legal Division, or Matthew Malloy (202–452–2416), Division of Monetary Affairs, or Heather Wiggins (202–452–3674), Division of Monetary Affairs; for users of Telecommunications Device for the Deaf (TDD) only, contact 202–263–4869; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background; Discussion

Section 19 of the Federal Reserve Act (the ''Act'') imposes reserve requirements on certain types of deposits and other liabilities of depository institutions. Specifically, section 19(b)(2) of the Act (12 U.S.C. 461(b)(2)) requires each depository institution to maintain reserves against its transaction accounts, nonpersonal time deposits, and Eurocurrency liabilities, as prescribed by Board regulations, for the purpose of implementing monetary policy. The Board's Regulation D (Reserve Requirements of Depository Institutions, 12 CFR part 204) implements the reserve requirements provisions of section 19 of the Act.

On March 15, 2020, the Board announced an interim final rule amending Regulation D to lower all transaction account reserve requirement ratios to zero percent, thereby eliminating all reserve requirements.[1] The Board's interim final rule was published on March 24, 2020.[2] In its March 15 press release announcing this action, the Board stated:

> For many years, reserve requirements played a central role in the implementation of monetary policy by creating a stable demand for reserves. In January 2019, the FOMC announced its intention to implement monetary policy in an ample reserves regime. Reserve requirements do not play a significant role in this operating framework.
>
> In light of the shift to an ample reserves regime, the Board has reduced reserve requirement ratios to zero percent effective on March 26, the beginning of the next reserve maintenance period. This action eliminates reserve requirements for thousands of depository institutions and will help to support lending to households and businesses.[3]

The Board requested public comment on the interim final rule. The public comment period closed on May 26, 2020. The Board received no comments on the interim final rule and, accordingly, is adopting the interim final rule as a final rule without change.

II. Regulatory Analysis

A. Administrative Procedure Act and Effective Date

The Administrative Procedure Act (APA) generally requires that a final rule be published in the **Federal Register** no less than 30 days before its effective date.[4] Therefore, the final rule will become effective on March 12, 2021. The interim final rule will remain in effect until the final rule becomes effective.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking when a general notice of proposed rulemaking is not required.[5] Because the Board previously determined that it was unnecessary to publish a general notice of proposed rulemaking for the interim final rule, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply to this final rule.

C. Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995[6] (PRA) states that no agency may conduct or sponsor, nor is a respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The final rule contains no collections of information subject to the PRA.

D. Use of Plain Language

Section 722 of the Gramm-Leach Bliley Act[7] requires banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board received no comments with respect to making the interim final rule easier to understand and is adopting the final rule without change.

Authority and Issuance

■ For the reasons set forth in the preamble, the interim final rule amending 12 CFR part 204 of chapter II, title 12 of the Code of Federal Regulations, which was published at 85 FR 16525 on March 24, 2020, is adopted as a final rule without change.

By order of the Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2020–28756 Filed 2–9–21; 8:45 am]

BILLING CODE 6210–01–P

[1] Reserve requirements for nonpersonal time deposits and Eurocurrency liabilities have been set at zero percent since 1990. *See* 55 FR 50540 (December 7, 1990).

[2] Interim Final Rule, 85 FR16525 (Mar. 24, 2020).

[3] Press Release, ''Federal Reserve Actions to Support the Flow of Credit to Households and Businesses'' (March 15, 2020), *https://www.federalreserve.gov/newsevents/pressreleases/monetary20200315b.htm.*

[4] 5 U.S.C. 553(d).

[5] 5 U.S.C. 603, 604.

[6] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

[7] Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999).

FARM CREDIT SYSTEM INSURANCE CORPORATION

12 CFR Part 1411

RIN 3055–AA17

Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation

AGENCY: Farm Credit System Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule implements inflation adjustments to civil money penalties (CMPs) that the Farm Credit System Insurance Corporation (FCSIC) may impose under the Farm Credit Act of 1971, as amended. These adjustments are required by 2015 amendments to the Federal Civil Penalties Inflation Adjustment Act of 1990.

DATES:

Effective date: This regulation is effective on February 10, 2021.

Applicability date: The adjusted amounts of civil money penalties in this rule are applicable to penalties assessed on or after January 15, 2021, for conduct occurring on or after November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Lynn M. Powalski, General Counsel, Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102, (703) 883–4380, TTY (703) 883–4390.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act) [1] to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The Inflation Adjustment Act provides for the regular evaluation of CMPs and requires FCSIC, and every other Federal agency with authority to impose CMPs, to ensure that CMPs continue to maintain their deterrent values.[2]

FCSIC must enact regulations that annually adjust its CMPs pursuant to the inflation adjustment formula of the amended Inflation Adjustment Act and rounded using a method prescribed by the Inflation Adjustment Act. The new amounts are applicable to penalties assessed on or after January 15, 2021, for conduct occurring on or after November 2, 2015. Agencies do not have discretion in choosing whether to adjust a CMP, by how much to adjust a CMP, or the methods used to determine the adjustment.

II. CMPs Imposed Pursuant to Section 5.65 of the Farm Credit Act

First, section 5.65(c) of the Farm Credit Act, as amended (Act), provides that any insured Farm Credit System bank that willfully fails or refuses to file any certified statement or pay any required premium shall be subject to a penalty of not more than $100 for each day that such violations continue, which penalty FCSIC may recover for its use.[3] Second, section 5.65(d) of the Act provides that, except with the prior written consent of the Farm Credit Administration, it shall be unlawful for any person convicted of any criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of any System institution.[4] For each willful violation of section 5.65(d), the institution involved shall be subject to a penalty of not more than $100 for each day during which the violation continues, which FCSIC may recover for its use.

FCSIC's current § 1411.1 provides that FCSIC can impose a maximum penalty of $214 per day for a violation under section 5.65(c) and (d) of the Act.

III. Required Adjustments

The 2015 Act requires agencies to make annual adjustments for inflation. Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI–U) preceding the date of the adjustment, and the prior year's October CPI–U. Based on the CPI–U for October 2020, not seasonally adjusted, the cost-of-living adjustment multiplier for 2021 is 1.01182.[5] Multiplying 1.01182 times the current penalty amount of $214, after rounding to the nearest dollar as required by the 2015 Act, results in a new penalty amount of $217.

IV. Notice and Comment Not Required by Administrative Procedure Act

In accordance with the 2015 Act, Federal agencies shall adjust civil monetary penalties ''notwithstanding'' Section 553 of the Administrative Procedures Act. This means that public procedure generally required for agency rulemaking—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.

List of Subjects in 12 CFR Part 1411

Banks, banking, Civil money penalties, Penalties.

For the reasons stated in the preamble, part 1411 of chapter XIV, title 12 of the Code of Federal Regulations is amended as follows:

PART 1411—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1411 continues to read as follows:

Authority: Secs. 5.58(10), 5.65(c) and (d) of the Farm Credit Act (12 U.S.C. 2277a–7(10), 2277a–14(c) and (d)); 28 U.S.C. 2461 note.

■ 2. Revise § 1411.1 to read as follows:

§ 1411.1 Inflation adjustment of civil money penalties for failure to file a certified statement, pay any premium required or obtain approval before employment of persons convicted of criminal offenses.

In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, a civil money penalty imposed pursuant to section 5.65(c) or (d) of the Farm Credit Act of 1971, as amended, shall not exceed $217 per day for each day the violation continues.

Dated: January 19, 2021.

Dale Aultman,

Secretary, Farm Credit System Insurance Corporation.

[FR Doc. 2021–01578 Filed 2–9–21; 8:45 am]

BILLING CODE 6710–01–P

[1] Public Law 101–410, 104 Stat. 890 (Oct. 5, 1990), as amended by Public Law 104–134, title III, § 31001(s)(1), 110 Stat. 1321–373 (Apr. 26, 1996); Public Law 105–362, title XIII, § 1301(a), 112 Stat. 3293 (Nov. 10, 1998); Public Law 114–74, title VII, § 701(b), 129 Stat. 599 (Nov. 2, 2015), codified at 28 U.S.C. 2461 note.

[2] Under the amended Inflation Adjustment Act, a CMP is defined as any penalty, fine, or other sanction that: (1) Either is for a specific monetary amount as provided by Federal law or has a maximum amount provided for by Federal law; (2) is assessed or enforced by an agency pursuant to Federal law; and (3) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts. All three requirements must be met for a fine to be considered a CMP.

[3] 12 U.S.C. 2277a–14(c).

[4] 12 U.S.C. 2277a–14(d).

[5] *See* Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum No. M–21–10, *Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (December 23, 2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: In accordance with the Commission's regulations, the Commission, by its designee, the Executive Director, issues this notice of the annual update to the fee schedule, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

DATES: This rule is effective February 10, 2021. The updates to appendix A to part 11, with the fee schedule of per-acre rental fees by county (or other geographic area), are from October 1, 2020, through September 30, 2021 (Fiscal Year 2021).

FOR FURTHER INFORMATION CONTACT: Raven A. Rodriguez, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6276, *Raven.Rodriguez@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Annual Update to Fee Schedule

Section 11.2 of the Commission's regulations provides a method for computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.[1] Annual charges for the use of government lands are payable in advance, and are based on an annual schedule of per-acre rental fees published in Appendix A to Part 11 of the Commission's regulations.[2] This notice updates the fee schedule in Appendix A to Part 11 for fiscal year 2021 (October 1, 2020, through September 30, 2021).

Effective Date

This final rule is effective February 10, 2021. The provisions of 5 U.S.C. 804, regarding Congressional review of final rules, do not apply to this final rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This final rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in § 11.2 of the Commission's regulations.

List of Subjects in 18 CFR Part 11

Public lands.

By the Executive Director.

Issued: February 2, 2021.

Anton C. Porter,

Executive Director, Office of the Executive Director.

In consideration of the foregoing, the Commission amends part 11, chapter I, title 18, Code of Federal Regulations, as follows.

PART 11—[AMENDED]

■ 1. The authority citation for part 11 is revised to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Appendix A to Part 11 is revised to read as follows:

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021

State	County	Fee/acre/yr
Alabama	Autauga	$58.11
	Baldwin	153.43
	Barbour	58.84
	Bibb	73.97
	Blount	94.92
	Bullock	56.45
	Butler	64.67
	Calhoun	111.89
	Chambers	66.22
	Cherokee	83.46
	Chilton	92.99
	Choctaw	54.02
	Clarke	60.06
	Clay	73.97
	Cleburne	91.18
	Coffee	69.38
	Colbert	70.23
	Conecuh	56.45
	Coosa	60.40
	Covington	70.73
	Crenshaw	65.72
	Cullman	104.80
	Dale	79.29
	Dallas	49.41
	DeKalb	103.69
	Elmore	78.95
	Escambia	64.77
	Etowah	101.08
	Fayette	58.13
	Franklin	64.59
	Geneva	65.25
	Greene	51.41
	Hale	59.55
	Henry	67.99
	Houston	93.10
	Jackson	80.16
	Jefferson	116.29
	Lamar	48.99
	Lauderdale	95.55
	Lawrence	100.03
	Lee	109.36
	Limestone	108.88
	Lowndes	50.02
	Macon	61.85
	Madison	139.82
	Marengo	52.89
	Marion	61.64
	Marshall	116.76
	Mobile	124.85
	Monroe	63.14
	Montgomery	70.10
	Morgan	116.03
	Perry	58.18
	Pickens	66.62
	Pike	69.04
	Randolph	83.19
	Russell	66.96
	Shelby	104.77
	St. Clair	112.71
	Sumter	49.33
	Talladega	87.20
	Tallapoosa	75.23
	Tuscaloosa	88.65
	Walker	79.56
	Washington	53.39
	Wilcox	47.91
	Winston	72.86
Alaska	Aleutian Islands	0.88
	Statewide	47.24
Arizona	Apache	4.37
	Cochise	31.88
	Coconino	3.37
	Gila	6.18
	Graham	10.30
	Greenlee	24.79
	La Paz	32.05
	Maricopa	146.85
	Mohave	13.34
	Navajo	3.51
	Pima	8.38
	Pinal	43.95
	Santa Cruz	31.70
	Yavapai	26.25
	Yuma	146.83
Arkansas	Arkansas	61.89
	Ashley	56.84
	Baxter	52.83
	Benton	127.23
	Boone	51.77
	Bradley	64.56
	Calhoun	50.89
	Carroll	54.01
	Chicot	58.35
	Clark	47.55
	Clay	84.65
	Cleburne	57.71
	Cleveland	83.12
	Columbia	45.63
	Conway	49.91
	Craighead	90.60
	Crawford	60.26
	Crittenden	75.64
	Cross	66.19
	Dallas	38.28
	Desha	63.91
	Drew	56.82
	Faulkner	75.42
	Franklin	50.36
	Fulton	36.67
	Garland	102.64
	Grant	70.94
	Greene	83.26
	Hempstead	49.18
	Hot Spring	54.66
	Howard	56.08
	Independence	45.15
	Izard	40.21
	Jackson	66.17
	Jefferson	64.17
	Johnson	54.84

[1] *Annual Charges for the Use of Government Lands,* Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶ 31,341 (2013).

[2] 18 CFR part 11 (2018).

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Lafayette	50.03
	Lawrence	70.43
	Lee	62.32
	Lincoln	60.53
	Little River	47.41
	Logan	49.08
	Lonoke	72.34
	Madison	61.54
	Marion	47.88
	Miller	50.63
	Mississippi	67.49
	Monroe	55.45
	Montgomery	51.05
	Nevada	46.47
	Newton	47.85
	Ouachita	43.82
	Perry	54.17
	Phillips	62.58
	Pike	51.22
	Poinsett	75.05
	Polk	58.12
	Pope	63.05
	Prairie	57.35
	Pulaski	77.17
	Randolph	57.67
	Saline	67.25
	Scott	48.20
	Searcy	36.98
	Sebastian	65.66
	Sevier	52.40
	Sharp	41.87
	St. Francis	61.04
	Stone	42.48
	Union	54.31
	Van Buren	54.09
	Washington	100.80
	White	54.58
	Woodruff	63.91
	Yell	52.93
California	Alameda	44.43
	Alpine	28.59
	Amador	27.85
	Butte	75.28
	Calaveras	22.22
	Colusa	49.81
	Contra Costa	43.27
	Del Norte	51.98
	El Dorado	62.06
	Fresno	71.01
	Glenn	55.73
	Humboldt	19.32
	Imperial	69.61
	Inyo	3.88
	Kern	46.14
	Kings	67.61
	Lake	40.98
	Lassen	13.37
	Los Angeles	116.16
	Madera	68.51
	Marin	36.65
	Mariposa	12.90
	Mendocino	23.94
	Merced	81.81
	Modoc	12.23
	Mono	12.01
	Monterey	46.06
	Napa	276.04
	Nevada	46.42
	Orange	119.37
	Placer	41.98
	Plumas	14.37
	Riverside	113.43
	Sacramento	62.82
	San Benito	22.31
	San Bernardino	124.39
	San Diego	145.10
	San Francisco	486.14
	San Joaquin	93.90
	San Luis Obispo	47.18
	San Mateo	61.07
	Santa Barbara	64.90
	Santa Clara	50.86
	Santa Cruz	133.49
	Shasta	18.25
	Sierra	10.64
	Siskiyou	19.17
	Solano	57.19
	Sonoma	138.70
	Stanislaus	97.65
	Sutter	59.55
	Tehama	26.96
	Trinity	12.01
	Tulare	73.31
	Tuolumne	23.23
	Ventura	159.41
	Yolo	60.66
	Yuba	51.40
Colorado	Adams	26.93
	Alamosa	35.40
	Arapahoe	37.74
	Archuleta	51.83
	Baca	13.09
	Bent	11.52
	Boulder	209.92
	Broomfield	91.29
	Chaffee	84.74
	Cheyenne	13.99
	Clear Creek	52.72
	Conejos	28.17
	Costilla	20.29
	Crowley	8.50
	Custer	32.44
	Delta	80.37
	Denver	1,064.15
	Dolores	29.77
	Douglas	112.66
	Eagle	55.25
	El Paso	23.49
	Elbert	25.48
	Fremont	39.01
	Garfield	40.06
	Gilpin	70.57
	Grand	36.72
	Gunnison	42.86
	Hinsdale	30.74
	Huerfano	16.06
	Jackson	22.09
	Jefferson	128.83
	Kiowa	12.59
	Kit Carson	20.36
	La Plata	37.72
	Lake	34.32
	Larimer	77.43
	Las Animas	10.05
	Lincoln	11.76
	Logan	19.84
	Mesa	92.23
	Mineral	57.46
	Moffat	13.34
	Montezuma	20.22
	Montrose	51.65
	Morgan	28.97
	Otero	12.52
	Ouray	51.00
	Park	28.05
	Phillips	28.25
	Pitkin	127.19
	Prowers	13.46
	Pueblo	17.17
	Rio Blanco	22.93
	Rio Grande	52.15
	Routt	52.45
	Saguache	31.69
	San Juan	26.85
	San Miguel	24.88
	Sedgwick	22.59
	Summit	70.55
	Teller	33.78
	Washington	18.33
	Weld	43.18
	Yuma	27.27
Connecticut	Fairfield	272.73
	Hartford	407.45
	Litchfield	286.07
	Middlesex	376.75
	New Haven	593.52
	New London	289.73
	Tolland	245.16
	Windham	238.82
Delaware	Kent	203.48
	New Castle	243.96
	Sussex	217.61
Florida	Alachua	150.03
	Baker	87.89
	Bay	39.29
	Bradford	91.51
	Brevard	96.30
	Broward	634.84
	Calhoun	41.26
	Charlotte	137.47
	Citrus	151.89
	Clay	109.69
	Collier	90.97
	Columbia	83.54
	Dade	717.41
	DeSoto	95.94
	Dixie	71.30
	Duval	144.11
	Escambia	118.88
	Flagler	106.61
	Franklin	113.04
	Gadsden	81.53
	Gilchrist	101.93
	Glades	82.53
	Gulf	27.49
	Hamilton	74.04
	Hardee	102.24
	Hendry	93.87
	Hernando	200.91
	Highlands	74.82
	Hillsborough	223.71
	Holmes	63.87
	Indian River	110.05
	Jackson	70.76
	Jefferson	66.43
	Lafayette	57.93
	Lake	151.95
	Lee	233.82
	Leon	81.72
	Levy	88.27
	Liberty	75.02
	Madison	67.56
	Manatee	149.11
	Marion	212.90
	Martin	84.21
	Monroe	113.04
	Nassau	71.72
	Okaloosa	91.24
	Okeechobee	80.90
	Orange	161.53
	Osceola	74.33
	Palm Beach	160.51
	Pasco	137.18
	Pinellas	1,100.80
	Polk	116.16
	Putnam	76.19
	Santa Rosa	102.72
	Sarasota	176.14
	Seminole	158.44
	St. Johns	162.96
	St. Lucie	114.48
	Sumter	115.42
	Suwannee	84.63
	Taylor	69.92
	Union	71.30
	Volusia	197.48
	Wakulla	65.51
	Walton	72.24
	Washington	73.18
Georgia	Appling	79.92

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Atkinson	71.43
	Bacon	101.24
	Baker	54.66
	Baldwin	53.25
	Banks	132.36
	Barrow	161.29
	Bartow	148.20
	Ben Hill	60.73
	Berrien	76.94
	Bibb	98.54
	Bleckley	63.46
	Brantley	71.80
	Brooks	85.99
	Bryan	75.69
	Bulloch	70.45
	Burke	69.93
	Butts	95.86
	Calhoun	74.14
	Camden	70.47
	Candler	77.73
	Carroll	117.72
	Catoosa	135.36
	Charlton	59.70
	Chatham	124.91
	Chattahoochee	72.76
	Chattooga	87.12
	Cherokee	213.38
	Clarke	190.26
	Clay	58.22
	Clayton	205.51
	Clinch	97.97
	Cobb	281.03
	Coffee	74.19
	Colquitt	81.37
	Columbia	109.51
	Cook	74.73
	Coweta	118.68
	Crawford	99.10
	Crisp	75.39
	Dade	97.92
	Dawson	171.76
	Decatur	80.19
	DeKalb	1,154.43
	Dodge	63.95
	Dooly	71.87
	Dougherty	95.17
	Douglas	164.68
	Early	63.19
	Echols	68.65
	Effingham	79.94
	Elbert	96.55
	Emanuel	51.43
	Evans	66.39
	Fannin	145.17
	Fayette	133.84
	Floyd	119.69
	Forsyth	193.80
	Franklin	141.39
	Fulton	468.90
	Gilmer	188.34
	Glascock	39.16
	Glynn	379.07
	Gordon	160.99
	Grady	92.49
	Greene	88.21
	Gwinnett	229.72
	Habersham	176.12
	Hall	229.54
	Hancock	51.46
	Haralson	116.84
	Harris	106.31
	Hart	138.29
	Heard	88.82
	Henry	184.04
	Houston	98.91
	Irwin	79.92
	Jackson	156.69
	Jasper	85.62
	Jeff Davis	61.62
	Jefferson	63.71

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Jenkins	64.45
	Johnson	51.48
	Jones	69.02
	Lamar	86.12
	Lanier	74.53
	Laurens	51.56
	Lee	83.24
	Liberty	130.10
	Lincoln	76.87
	Long	82.67
	Lowndes	134.08
	Lumpkin	145.74
	Macon	79.13
	Madison	139.32
	Marion	58.42
	McDuffie	73.64
	McIntosh	58.35
	Meriwether	80.24
	Miller	79.75
	Mitchell	91.06
	Monroe	80.66
	Montgomery	63.56
	Morgan	114.94
	Murray	124.66
	Muscogee	123.06
	Newton	110.07
	Oconee	177.96
	Oglethorpe	107.07
	Paulding	142.20
	Peach	141.83
	Pickens	209.79
	Pierce	70.77
	Pike	120.45
	Polk	88.94
	Pulaski	65.70
	Putnam	103.46
	Quitman	56.75
	Rabun	202.68
	Randolph	69.66
	Richmond	90.52
	Rockdale	173.66
	Schley	70.05
	Screven	54.11
	Seminole	77.26
	Spalding	125.96
	Stephens	142.03
	Stewart	50.89
	Sumter	70.32
	Talbot	67.27
	Taliaferro	80.98
	Tattnall	95.29
	Taylor	51.14
	Telfair	54.36
	Terrell	68.95
	Thomas	89.53
	Tift	78.07
	Toombs	68.38
	Towns	135.21
	Treutlen	46.32
	Troup	79.84
	Turner	75.86
	Twiggs	59.45
	Union	141.95
	Upson	97.26
	Walker	104.27
	Walton	139.32
	Ware	63.09
	Warren	73.35
	Washington	51.80
	Wayne	51.16
	Webster	60.07
	Wheeler	44.99
	White	199.88
	Whitfield	152.14
	Wilcox	64.15
	Wilkes	84.79
	Wilkinson	50.42
	Worth	73.87
Hawaii	Hawaii	146.97
	Honolulu	525.54

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Kauai	190.38
	Maui	243.03
Idaho	Ada	120.65
	Adams	19.66
	Bannock	24.77
	Bear Lake	18.25
	Benewah	24.56
	Bingham	32.27
	Blaine	32.09
	Boise	18.18
	Bonner	63.88
	Bonneville	36.98
	Boundary	60.69
	Butte	26.04
	Camas	17.01
	Canyon	104.53
	Caribou	23.54
	Cassia	40.47
	Clark	22.26
	Clearwater	31.32
	Custer	34.58
	Elmore	31.61
	Franklin	29.49
	Fremont	35.10
	Gem	35.71
	Gooding	76.32
	Idaho	20.85
	Jefferson	44.68
	Jerome	76.61
	Kootenai	70.09
	Latah	32.25
	Lemhi	32.04
	Lewis	24.91
	Lincoln	46.31
	Madison	52.80
	Minidoka	57.58
	Nez Perce	26.37
	Oneida	21.03
	Owyhee	20.65
	Payette	44.46
	Power	31.29
	Shoshone	85.18
	Teton	50.16
	Twin Falls	56.31
	Valley	32.91
	Washington	17.18
Illinois	Adams	174.17
	Alexander	91.63
	Bond	184.02
	Boone	209.10
	Brown	149.86
	Bureau	220.02
	Calhoun	112.14
	Carroll	215.20
	Cass	171.27
	Champaign	249.42
	Christian	231.24
	Clark	152.80
	Clay	137.09
	Clinton	185.46
	Coles	210.81
	Cook	552.40
	Crawford	140.65
	Cumberland	169.83
	De Witt	224.52
	DeKalb	252.17
	Douglas	242.83
	DuPage	449.92
	Edgar	198.77
	Edwards	143.81
	Effingham	176.76
	Fayette	144.50
	Ford	207.98
	Franklin	119.39
	Fulton	165.79
	Gallatin	142.07
	Greene	165.55
	Grundy	237.40
	Hamilton	128.76
	Hancock	189.83

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Hardin	87.83
	Henderson	186.35
	Henry	211.54
	Iroquois	196.71
	Jackson	144.18
	Jasper	150.82
	Jefferson	111.31
	Jersey	169.45
	Jo Daviess	163.56
	Johnson	99.08
	Kane	282.64
	Kankakee	209.39
	Kendall	242.51
	Knox	195.93
	La Salle	244.28
	Lake	325.23
	Lawrence	151.25
	Lee	232.04
	Livingston	220.32
	Logan	224.33
	Macon	247.62
	Macoupin	192.61
	Madison	233.06
	Marion	130.77
	Marshall	216.17
	Mason	186.93
	Massac	103.63
	McDonough	196.33
	McHenry	255.41
	McLean	263.52
	Menard	208.99
	Mercer	175.37
	Monroe	178.26
	Montgomery	194.78
	Morgan	220.77
	Moultrie	233.89
	Ogle	230.19
	Peoria	211.27
	Perry	128.01
	Piatt	247.89
	Pike	158.37
	Pope	93.45
	Pulaski	109.84
	Putnam	224.12
	Randolph	145.17
	Richland	141.35
	Rock Island	186.45
	Saline	129.14
	Sangamon	239.08
	Schuyler	146.81
	Scott	173.95
	Shelby	188.65
	St. Clair	198.55
	Stark	222.57
	Stephenson	225.51
	Tazewell	221.44
	Union	113.72
	Vermilion	219.59
	Wabash	148.12
	Warren	216.62
	Washington	171.92
	Wayne	127.53
	White	133.39
	Whiteside	211.27
	Will	237.93
	Williamson	105.82
	Winnebago	191.06
	Woodford	240.18
Indiana	Adams	220.75
	Allen	212.11
	Bartholomew	178.44
	Benton	206.35
	Blackford	176.22
	Boone	203.33
	Brown	117.13
	Carroll	201.14
	Cass	166.57
	Clark	147.14
	Clay	136.07
	Clinton	191.27
	Crawford	82.55
	Daviess	203.31
	Dearborn	129.69
	Decatur	188.98
	DeKalb	148.00
	Delaware	176.97
	Dubois	145.54
	Elkhart	298.23
	Fayette	150.90
	Floyd	145.57
	Fountain	179.61
	Franklin	151.28
	Fulton	168.41
	Gibson	173.00
	Grant	188.34
	Greene	132.12
	Hamilton	233.45
	Hancock	201.25
	Harrison	122.06
	Hendricks	203.79
	Henry	159.74
	Howard	207.17
	Huntington	182.87
	Jackson	141.27
	Jasper	172.25
	Jay	202.37
	Jefferson	110.48
	Jennings	121.77
	Johnson	179.96
	Knox	166.06
	Kosciusko	189.97
	LaGrange	246.77
	Lake	185.86
	LaPorte	196.23
	Lawrence	99.14
	Madison	216.33
	Marion	281.85
	Marshall	166.99
	Martin	103.68
	Miami	180.09
	Monroe	175.26
	Montgomery	186.34
	Morgan	167.79
	Newton	179.64
	Noble	170.59
	Ohio	116.54
	Orange	119.77
	Owen	121.21
	Parke	155.81
	Perry	107.07
	Pike	131.56
	Porter	180.52
	Posey	162.03
	Pulaski	164.08
	Putnam	171.69
	Randolph	171.21
	Ripley	137.75
	Rush	193.57
	Scott	143.22
	Shelby	185.30
	Spencer	122.97
	St. Joseph	215.77
	Starke	133.51
	Steuben	147.73
	Sullivan	132.79
	Switzerland	109.34
	Tippecanoe	240.84
	Tipton	217.90
	Union	169.15
	Vanderburgh	210.94
	Vermillion	151.39
	Vigo	144.74
	Wabash	167.82
	Warren	181.05
	Warrick	144.85
	Washington	120.09
	Wayne	146.53
	Wells	201.28
	White	208.51
	Whitley	169.23
Iowa	Adair	140.17
	Adams	133.66
	Allamakee	143.25
	Appanoose	108.95
	Audubon	184.02
	Benton	197.98
	Black Hawk	233.79
	Boone	213.50
	Bremer	214.17
	Buchanan	211.30
	Buena Vista	215.62
	Butler	192.14
	Calhoun	212.86
	Carroll	215.22
	Cass	158.00
	Cedar	210.61
	Cerro Gordo	196.75
	Cherokee	212.11
	Chickasaw	200.02
	Clarke	114.47
	Clay	214.01
	Clayton	148.62
	Clinton	202.19
	Crawford	181.55
	Dallas	218.94
	Davis	104.96
	Decatur	103.05
	Delaware	208.33
	Des Moines	185.20
	Dickinson	199.38
	Dubuque	231.38
	Emmet	192.49
	Fayette	192.33
	Floyd	197.23
	Franklin	209.43
	Fremont	160.86
	Greene	222.37
	Grundy	243.52
	Guthrie	168.88
	Hamilton	217.50
	Hancock	204.26
	Hardin	209.40
	Harrison	165.12
	Henry	167.97
	Howard	199.81
	Humboldt	216.77
	Ida	196.91
	Iowa	171.93
	Jackson	160.09
	Jasper	174.53
	Jefferson	148.43
	Johnson	215.40
	Jones	186.59
	Keokuk	156.44
	Kossuth	211.52
	Lee	138.46
	Linn	223.20
	Louisa	177.72
	Lucas	91.47
	Lyon	267.69
	Madison	151.91
	Mahaska	165.98
	Marion	154.67
	Marshall	203.69
	Mills	160.60
	Mitchell	210.79
	Monona	154.43
	Monroe	112.73
	Montgomery	152.23
	Muscatine	180.11
	O'Brien	260.70
	Osceola	234.84
	Page	143.92
	Palo Alto	214.79
	Plymouth	229.45
	Pocahontas	216.13
	Polk	236.95
	Pottawattamie	181.82
	Poweshiek	179.79
	Ringgold	103.29

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Sac	212.89
	Scott	256.97
	Shelby	183.67
	Sioux	278.87
	Story	253.73
	Tama	194.47
	Taylor	128.97
	Union	119.48
	Van Buren	125.27
	Wapello	130.68
	Warren	151.05
	Washington	184.64
	Wayne	113.96
	Webster	213.02
	Winnebago	187.32
	Winneshiek	171.56
	Woodbury	197.66
	Worth	186.43
	Wright	202.97
Kansas	Allen	53.84
	Anderson	54.07
	Atchison	80.66
	Barber	38.10
	Barton	41.66
	Bourbon	53.28
	Brown	93.05
	Butler	60.18
	Chase	50.71
	Chautauqua	43.28
	Cherokee	58.67
	Cheyenne	39.19
	Clark	31.50
	Clay	71.96
	Cloud	61.08
	Coffey	48.42
	Comanche	30.75
	Cowley	49.06
	Crawford	53.44
	Decatur	38.69
	Dickinson	56.78
	Doniphan	91.04
	Douglas	108.04
	Edwards	48.90
	Elk	40.99
	Ellis	35.79
	Ellsworth	42.67
	Finney	41.52
	Ford	41.05
	Franklin	63.76
	Geary	61.05
	Gove	34.52
	Graham	34.10
	Grant	41.82
	Gray	42.35
	Greeley	37.57
	Greenwood	44.23
	Hamilton	28.28
	Harper	43.57
	Harvey	84.03
	Haskell	40.52
	Hodgeman	31.20
	Jackson	71.03
	Jefferson	77.05
	Jewell	54.66
	Johnson	100.11
	Kearny	38.26
	Kingman	42.96
	Kiowa	41.68
	Labette	56.28
	Lane	33.80
	Leavenworth	90.77
	Lincoln	45.82
	Linn	67.77
	Logan	35.71
	Lyon	52.75
	Marion	54.18
	Marshall	82.09
	McPherson	72.67
	Meade	39.16
	Miami	82.12

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Mitchell	49.56
	Montgomery	53.33
	Morris	43.04
	Morton	27.17
	Nemaha	79.76
	Neosho	52.08
	Ness	28.76
	Norton	36.11
	Osage	52.85
	Osborne	37.41
	Ottawa	53.36
	Pawnee	43.99
	Phillips	38.26
	Pottawatomie	65.30
	Pratt	54.53
	Rawlins	40.91
	Reno	56.75
	Republic	68.62
	Rice	54.02
	Riley	80.18
	Rooks	33.19
	Rush	34.47
	Russell	35.53
	Saline	62.91
	Scott	40.20
	Sedgwick	91.91
	Seward	37.41
	Shawnee	79.41
	Sheridan	41.50
	Sherman	46.73
	Smith	50.65
	Stafford	47.84
	Stanton	28.23
	Stevens	36.80
	Sumner	48.77
	Thomas	46.35
	Trego	30.27
	Wabaunsee	51.13
	Wallace	35.87
	Washington	64.37
	Wichita	37.17
	Wilson	51.66
	Woodson	44.10
	Wyandotte	178.89
Kentucky	Adair	80.32
	Allen	92.45
	Anderson	99.15
	Ballard	96.51
	Barren	96.19
	Bath	63.02
	Bell	53.14
	Boone	160.33
	Bourbon	151.78
	Boyd	64.22
	Boyle	99.34
	Bracken	66.71
	Breathitt	41.90
	Breckinridge	82.43
	Bullitt	137.82
	Butler	70.71
	Caldwell	89.16
	Calloway	110.07
	Campbell	135.12
	Carlisle	101.42
	Carroll	90.61
	Carter	51.62
	Casey	62.57
	Christian	128.63
	Clark	118.32
	Clay	48.44
	Clinton	74.45
	Crittenden	73.35
	Cumberland	54.82
	Daviess	133.14
	Edmonson	84.86
	Elliott	43.23
	Estill	64.20
	Fayette	390.38
	Fleming	70.58
	Floyd	82.46

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Franklin	105.93
	Fulton	98.11
	Gallatin	75.97
	Garrard	77.89
	Grant	88.36
	Graves	102.14
	Grayson	78.94
	Green	69.30
	Greenup	65.98
	Hancock	79.50
	Hardin	122.68
	Harlan	41.76
	Harrison	82.78
	Hart	82.19
	Henderson	136.08
	Henry	103.10
	Hickman	107.19
	Hopkins	90.04
	Jackson	62.91
	Jefferson	328.35
	Jessamine	177.31
	Johnson	80.14
	Kenton	149.46
	Knott	34.15
	Knox	63.93
	Larue	94.77
	Laurel	89.27
	Lawrence	42.70
	Lee	54.66
	Leslie	102.01
	Letcher	80.11
	Lewis	55.97
	Lincoln	86.68
	Livingston	75.09
	Logan	128.95
	Lyon	83.34
	Madison	92.61
	Magoffin	55.28
	Marion	92.98
	Marshall	101.37
	Martin	92.15
	Mason	78.96
	McCracken	118.99
	McCreary	65.56
	McLean	119.26
	Meade	115.57
	Menifee	51.62
	Mercer	104.81
	Metcalfe	71.49
	Monroe	76.03
	Montgomery	93.60
	Morgan	52.02
	Muhlenberg	80.00
	Nelson	108.44
	Nicholas	62.01
	Ohio	91.27
	Oldham	212.67
	Owen	75.60
	Owsley	35.84
	Pendleton	75.84
	Perry	30.60
	Pike	37.76
	Powell	62.33
	Pulaski	86.47
	Robertson	58.40
	Rockcastle	58.19
	Rowan	73.97
	Russell	82.59
	Scott	149.41
	Shelby	155.12
	Simpson	151.54
	Spencer	121.29
	Taylor	81.13
	Todd	138.46
	Trigg	109.75
	Trimble	86.65
	Union	134.56
	Warren	142.44
	Washington	85.77
	Wayne	71.19

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Webster	98.35
	Whitley	67.61
	Wolfe	53.83
	Woodford	216.59
Louisiana	Acadia	67.55
	Allen	62.75
	Ascension	88.68
	Assumption	72.00
	Avoyelles	62.22
	Beauregard	74.32
	Bienville	62.29
	Bossier	76.35
	Caddo	72.95
	Calcasieu	85.11
	Caldwell	61.31
	Cameron	60.60
	Catahoula	66.08
	Claiborne	58.43
	Concordia	68.53
	De Soto	72.54
	East Baton Rouge.	201.79
	East Carroll	90.81
	East Feliciana	68.45
	Evangeline	59.70
	Franklin	69.36
	Grant	66.96
	Iberia	70.14
	Iberville	43.92
	Jackson	97.90
	Jefferson	57.08
	Jefferson Davis	54.46
	La Salle	77.89
	Lafayette	136.49
	Lafourche	70.90
	Lincoln	78.50
	Livingston	130.86
	Madison	67.23
	Morehouse	77.77
	Natchitoches	57.11
	Orleans	253.24
	Ouachita	104.21
	Plaquemines	34.51
	Pointe Coupee	75.59
	Rapides	91.64
	Red River	54.73
	Richland	69.24
	Sabine	92.42
	St. Bernard	42.85
	St. Charles	85.38
	St. Helena	101.71
	St. James	74.88
	St. John the Baptist.	85.60
	St. Landry	71.39
	St. Martin	78.38
	St. Mary	80.66
	St. Tammany	262.44
	Tangipahoa	123.77
	Tensas	68.55
	Terrebonne	100.71
	Union	74.44
	Vermilion	70.36
	Vernon	90.56
	Washington	88.34
	Webster	71.88
	West Baton Rouge.	68.97
	West Carroll	80.61
	West Feliciana	71.78
	Winn	68.58
Maine	Androscoggin	88.36
	Aroostook	43.63
	Cumberland	171.15
	Franklin	62.25
	Hancock	70.02
	Kennebec	75.75
	Knox	118.40
	Lincoln	116.37
	Oxford	73.02

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Penobscot	61.80
	Piscataquis	35.28
	Sagadahoc	103.59
	Somerset	36.99
	Waldo	75.13
	Washington	38.44
	York	128.30
Maryland	Allegany	146.89
	Anne Arundel	270.87
	Baltimore	389.42
	Calvert	269.43
	Caroline	187.19
	Carroll	214.82
	Cecil	210.59
	Charles	248.44
	Dorchester	149.10
	Frederick	250.12
	Garrett	119.81
	Harford	286.48
	Howard	240.51
	Kent	173.60
	Montgomery	215.74
	Prince George's	213.61
	Queen Anne's	192.78
	Somerset	150.41
	St. Mary's	261.34
	Talbot	184.61
	Washington	211.64
	Wicomico	184.77
	Worcester	139.22
Massachusetts	Barnstable	720.81
	Berkshire	180.33
	Bristol	429.02
	Dukes	269.62
	Essex	411.66
	Franklin	151.43
	Hampden	244.00
	Hampshire	180.75
	Middlesex	376.13
	Nantucket	922.96
	Norfolk	404.58
	Plymouth	225.88
	Suffolk	5,423.47
	Worcester	290.09
Michigan	Alcona	67.53
	Alger	53.19
	Allegan	155.95
	Alpena	66.36
	Antrim	109.59
	Arenac	87.48
	Baraga	57.08
	Barry	125.18
	Bay	131.73
	Benzie	103.28
	Berrien	168.05
	Branch	110.45
	Calhoun	138.43
	Cass	120.52
	Charlevoix	98.30
	Cheboygan	66.80
	Chippewa	56.43
	Clare	78.51
	Clinton	147.45
	Crawford	91.31
	Delta	46.54
	Dickinson	71.11
	Eaton	108.89
	Emmet	98.22
	Genesee	137.20
	Gladwin	101.93
	Gogebic	67.82
	Grand Traverse	165.89
	Gratiot	141.64
	Hillsdale	112.36
	Houghton	61.38
	Huron	157.70
	Ingham	138.85
	Ionia	129.20
	Iosco	82.21
	Iron	51.52

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Isabella	106.88
	Jackson	130.01
	Kalamazoo	183.96
	Kalkaska	69.20
	Kent	192.43
	Keweenaw	88.00
	Lake	64.20
	Lapeer	120.13
	Leelanau	190.89
	Lenawee	136.27
	Livingston	148.65
	Luce	65.73
	Mackinac	52.07
	Macomb	132.85
	Manistee	75.20
	Marquette	57.52
	Mason	81.12
	Mecosta	91.39
	Menominee	55.41
	Midland	144.51
	Missaukee	95.38
	Monroe	160.52
	Montcalm	104.06
	Montmorency	55.96
	Muskegon	167.53
	Newaygo	101.40
	Oakland	303.07
	Oceana	108.44
	Ogemaw	72.93
	Ontonagon	41.64
	Osceola	78.30
	Oscoda	71.47
	Otsego	72.49
	Ottawa	215.66
	Presque Isle	61.15
	Roscommon	63.91
	Saginaw	151.36
	Sanilac	128.55
	Schoolcraft	47.46
	Shiawassee	117.62
	St. Clair	137.00
	St. Joseph	149.07
	Tuscola	136.03
	Van Buren	150.95
	Washtenaw	203.98
	Wayne	301.45
	Wexford	87.82
Minnesota	Aitkin	56.31
	Anoka	202.66
	Becker	77.59
	Beltrami	52.49
	Benton	117.22
	Big Stone	116.09
	Blue Earth	192.30
	Brown	175.53
	Carlton	57.54
	Carver	180.02
	Cass	66.83
	Chippewa	157.37
	Chisago	122.16
	Clay	105.41
	Clearwater	54.10
	Cook	158.25
	Cottonwood	168.77
	Crow Wing	71.77
	Dakota	184.29
	Dodge	184.02
	Douglas	105.36
	Faribault	181.54
	Fillmore	148.30
	Freeborn	161.01
	Goodhue	165.65
	Grant	117.56
	Hennepin	359.50
	Houston	114.55
	Hubbard	70.65
	Isanti	103.79
	Itasca	75.88
	Jackson	171.90
	Kanabec	70.81

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Kandiyohi	139.32
	Kittson	60.05
	Koochiching	38.53
	Lac qui Parle	119.57
	Lake	96.90
	Lake of the Woods.	45.31
	Le Sueur	164.88
	Lincoln	129.12
	Lyon	156.25
	Mahnomen	78.90
	Marshall	66.06
	Martin	179.21
	McLeod	152.83
	Meeker	138.58
	Mille Lacs	82.83
	Morrison	88.38
	Mower	181.91
	Murray	164.64
	Nicollet	186.96
	Nobles	184.53
	Norman	88.14
	Olmsted	177.75
	Otter Tail	79.27
	Pennington	51.48
	Pine	63.12
	Pipestone	155.75
	Polk	87.58
	Pope	110.65
	Ramsey	711.47
	Red Lake	63.28
	Redwood	166.59
	Renville	175.16
	Rice	183.09
	Rock	203.75
	Roseau	46.54
	Scott	202.66
	Sherburne	137.64
	Sibley	180.12
	St. Louis	53.19
	Stearns	137.48
	Steele	165.57
	Stevens	135.56
	Swift	134.65
	Todd	73.29
	Traverse	132.94
	Wabasha	147.36
	Wadena	58.74
	Waseca	176.79
	Washington	232.16
	Watonwan	189.49
	Wilkin	103.39
	Winona	153.61
	Wright	171.98
	Yellow Medicine	144.40
Mississippi	Adams	73.84
	Alcorn	53.34
	Amite	79.90
	Attala	46.21
	Benton	48.21
	Bolivar	75.72
	Calhoun	44.45
	Carroll	53.51
	Chickasaw	50.14
	Choctaw	46.08
	Claiborne	67.78
	Clarke	55.99
	Clay	46.98
	Coahoma	82.78
	Copiah	64.15
	Covington	90.23
	DeSoto	75.32
	Forrest	106.23
	Franklin	79.45
	George	93.39
	Greene	63.28
	Grenada	55.07
	Hancock	96.64
	Harrison	209.60
	Hinds	82.40
	Holmes	60.70
	Humphreys	81.85
	Issaquena	68.51
	Itawamba	42.85
	Jackson	125.45
	Jasper	70.21
	Jefferson	63.08
	Jefferson Davis	64.33
	Jones	94.76
	Kemper	50.61
	Lafayette	68.58
	Lamar	88.81
	Lauderdale	51.44
	Lawrence	80.37
	Leake	75.77
	Lee	45.86
	Leflore	72.64
	Lincoln	76.87
	Lowndes	63.33
	Madison	65.78
	Marion	72.11
	Marshall	60.15
	Monroe	55.02
	Montgomery	50.04
	Neshoba	66.68
	Newton	59.35
	Noxubee	63.40
	Oktibbeha	69.98
	Panola	61.65
	Pearl River	88.73
	Perry	80.35
	Pike	93.26
	Pontotoc	49.26
	Prentiss	51.21
	Quitman	71.61
	Rankin	82.60
	Scott	63.73
	Sharkey	82.85
	Simpson	69.03
	Smith	71.91
	Stone	82.80
	Sunflower	79.70
	Tallahatchie	70.59
	Tate	70.71
	Tippah	51.86
	Tishomingo	47.31
	Tunica	73.96
	Union	50.04
	Walthall	77.69
	Warren	60.75
	Washington	92.81
	Wayne	77.49
	Webster	45.88
	Wilkinson	60.10
	Winston	56.99
	Yalobusha	46.66
	Yazoo	69.81
Missouri	Adair	73.20
	Andrew	100.75
	Atchison	128.54
	Audrain	111.58
	Barry	89.89
	Barton	72.17
	Bates	81.01
	Benton	71.75
	Bollinger	65.72
	Boone	148.23
	Buchanan	106.25
	Butler	123.08
	Caldwell	83.10
	Callaway	103.82
	Camden	57.88
	Cape Girardeau	113.86
	Carroll	93.85
	Carter	50.05
	Cass	98.55
	Cedar	65.25
	Chariton	90.16
	Christian	105.57
	Clark	93.72
	Clay	109.29
	Clinton	97.55
	Cole	95.58
	Cooper	85.67
	Crawford	67.72
	Dade	73.59
	Dallas	66.54
	Daviess	85.60
	DeKalb	85.80
	Dent	54.82
	Douglas	55.05
	Dunklin	133.44
	Franklin	101.30
	Gasconade	73.06
	Gentry	81.22
	Greene	124.39
	Grundy	76.76
	Harrison	72.57
	Henry	70.52
	Hickory	55.26
	Holt	128.27
	Howard	79.25
	Howell	56.21
	Iron	54.14
	Jackson	152.42
	Jasper	84.44
	Jefferson	110.11
	Johnson	87.67
	Knox	79.75
	Laclede	65.99
	Lafayette	118.89
	Lawrence	83.84
	Lewis	86.83
	Lincoln	114.33
	Linn	75.58
	Livingston	88.40
	Macon	83.73
	Madison	55.03
	Maries	51.67
	Marion	103.97
	McDonald	70.31
	Mercer	70.60
	Miller	65.46
	Mississippi	153.02
	Moniteau	93.59
	Monroe	93.30
	Montgomery	98.86
	Morgan	100.59
	New Madrid	146.57
	Newton	95.40
	Nodaway	105.18
	Oregon	46.69
	Osage	63.31
	Ozark	55.92
	Pemiscot	137.24
	Perry	85.80
	Pettis	91.76
	Phelps	69.11
	Pike	92.18
	Platte	116.11
	Polk	66.20
	Pulaski	58.65
	Putnam	66.06
	Ralls	100.93
	Randolph	90.73
	Ray	92.18
	Reynolds	41.92
	Ripley	64.12
	Saline	105.13
	Schuyler	67.66
	Scotland	88.35
	Scott	133.36
	Shannon	51.46
	Shelby	97.76
	St Louis	113.99
	St. Charles	128.07
	St. Clair	64.31
	St. Francois	76.89
	Ste. Genevieve	77.36
	Stoddard	140.33

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Stone	75.87
	Sullivan	61.29
	Taney	58.59
	Texas	54.16
	Vernon	74.48
	Warren	106.12
	Washington	62.18
	Wayne	61.61
	Webster	81.32
	Worth	74.56
	Wright	56.57
Montana	Beaverhead	26.61
	Big Horn	7.94
	Blaine	11.96
	Broadwater	23.64
	Carbon	29.98
	Carter	10.87
	Cascade	24.49
	Chouteau	18.85
	Custer	10.83
	Daniels	12.81
	Dawson	13.50
	Deer Lodge	39.26
	Fallon	12.20
	Fergus	22.10
	Flathead	129.08
	Gallatin	61.22
	Garfield	8.16
	Glacier	23.58
	Golden Valley	13.54
	Granite	32.69
	Hill	17.40
	Jefferson	34.39
	Judith Basin	18.77
	Lake	32.45
	Lewis and Clark	26.39
	Liberty	18.12
	Lincoln	106.07
	Madison	34.55
	McCone	10.67
	Meagher	18.34
	Mineral	101.06
	Missoula	56.49
	Musselshell	12.91
	Park	52.71
	Petroleum	13.70
	Phillips	10.71
	Pondera	24.39
	Powder River	11.13
	Powell	26.16
	Prairie	15.64
	Ravalli	115.85
	Richland	17.72
	Roosevelt	14.59
	Rosebud	8.69
	Sanders	19.96
	Sheridan	14.02
	Silver Bow	45.48
	Stillwater	27.15
	Sweet Grass	22.95
	Teton	23.96
	Toole	17.72
	Treasure	11.68
	Valley	13.01
	Wheatland	14.00
	Wibaux	12.47
	Yellowstone	20.26
Nebraska	Adams	129.26
	Antelope	111.41
	Arthur	19.45
	Banner	21.17
	Blaine	24.11
	Boone	108.04
	Box Butte	32.39
	Boyd	49.25
	Brown	28.46
	Buffalo	106.68
	Burt	149.58
	Butler	138.24
	Cass	136.16
	Cedar	125.83
	Chase	50.63
	Cherry	22.66
	Cheyenne	24.77
	Clay	117.77
	Colfax	150.41
	Cuming	147.81
	Custer	60.10
	Dakota	137.34
	Dawes	21.59
	Dawson	82.85
	Deuel	31.69
	Dixon	113.55
	Dodge	155.70
	Douglas	185.62
	Dundy	37.15
	Fillmore	132.29
	Franklin	84.07
	Frontier	45.63
	Furnas	59.91
	Gage	107.50
	Garden	21.03
	Garfield	36.01
	Gosper	68.28
	Grant	20.32
	Greeley	72.00
	Hall	123.43
	Hamilton	153.98
	Harlan	69.89
	Hayes	34.36
	Hitchcock	38.22
	Holt	57.79
	Hooker	17.85
	Howard	84.77
	Jefferson	100.80
	Johnson	88.17
	Kearney	127.05
	Keith	39.48
	Keya Paha	34.38
	Kimball	26.10
	Knox	81.23
	Lancaster	135.94
	Lincoln	40.65
	Logan	29.14
	Loup	28.24
	Madison	141.30
	McPherson	19.89
	Merrick	123.21
	Morrill	27.80
	Nance	102.64
	Nemaha	110.44
	Nuckolls	87.13
	Otoe	120.37
	Pawnee	78.77
	Perkins	51.97
	Phelps	124.18
	Pierce	118.31
	Platte	153.66
	Polk	143.54
	Red Willow	47.28
	Richardson	103.62
	Rock	27.63
	Saline	114.52
	Sarpy	180.64
	Saunders	136.98
	Scotts Bluff	49.49
	Seward	138.66
	Sheridan	23.55
	Sherman	64.98
	Sioux	21.88
	Stanton	121.20
	Thayer	95.19
	Thomas	18.94
	Thurston	117.21
	Valley	69.89
	Washington	158.30
	Wayne	133.85
	Webster	66.51
	Wheeler	37.10
	York	167.02
Nevada	Carson City	6.18
	Churchill	13.01
	Clark	21.12
	Douglas	13.96
	Elko	3.73
	Esmeralda	14.15
	Eureka	3.40
	Humboldt	6.03
	Lander	7.13
	Lincoln	17.50
	Lyon	15.53
	Mineral	1.99
	Nye	11.77
	Pershing	5.44
	Storey	6.18
	Washoe	6.97
	White Pine	9.01
New Hampshire	Belknap	125.21
	Carroll	100.11
	Cheshire	96.60
	Coos	65.33
	Grafton	99.55
	Hillsborough	198.11
	Merrimack	147.73
	Rockingham	287.44
	Strafford	165.44
	Sullivan	122.10
New Jersey	Atlantic	306.75
	Bergen	2,390.59
	Burlington	241.57
	Camden	394.58
	Cape May	349.93
	Cumberland	235.54
	Essex	2,029.05
	Gloucester	304.63
	Hudson	1,209.00
	Hunterdon	375.31
	Mercer	435.32
	Middlesex	523.25
	Monmouth	504.24
	Morris	514.91
	Ocean	457.35
	Passaic	767.90
	Salem	202.35
	Somerset	475.26
	Sussex	277.21
	Union	3,759.62
	Warren	292.81
New Mexico	Bernalillo	53.21
	Catron	8.10
	Chaves	9.12
	Cibola	6.11
	Colfax	9.74
	Curry	13.40
	De Baca	7.23
	Dona Ana	47.91
	Eddy	11.40
	Grant	9.39
	Guadalupe	6.00
	Harding	7.06
	Hidalgo	10.05
	Lea	7.95
	Lincoln	9.60
	Los Alamos	10.05
	Luna	9.93
	McKinley	8.25
	Mora	10.65
	Otero	8.47
	Quay	6.79
	Rio Arriba	16.55
	Roosevelt	8.81
	San Juan	10.30
	San Miguel	7.75
	Sandoval	8.66
	Santa Fe	16.99
	Sierra	6.96
	Socorro	12.11
	Taos	31.53
	Torrance	9.20
	Union	7.97

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Valencia	22.41
New York	Albany	115.79
	Allegany	52.42
	Bronx	84.09
	Broome	80.45
	Cattaraugus	59.66
	Cayuga	103.00
	Chautauqua	68.88
	Chemung	68.21
	Chenango	53.54
	Clinton	68.88
	Columbia	109.07
	Cortland	60.42
	Delaware	75.00
	Dutchess	235.43
	Erie	119.17
	Essex	62.03
	Franklin	64.77
	Fulton	72.69
	Genesee	87.11
	Greene	82.19
	Hamilton	87.01
	Herkimer	59.61
	Jefferson	69.72
	Kings	11,552.73
	Lewis	52.32
	Livingston	96.67
	Madison	68.26
	Monroe	112.14
	Montgomery	64.72
	Nassau	452.16
	New York	84.09
	Niagara	79.95
	Oneida	69.25
	Onondaga	107.35
	Ontario	104.87
	Orange	180.63
	Orleans	82.63
	Oswego	57.63
	Otsego	69.43
	Putnam	156.28
	Queens	1,263.52
	Rensselaer	91.49
	Richmond	84.09
	Rockland	749.31
	Saratoga	153.39
	Schenectady	111.67
	Schoharie	63.41
	Schuyler	85.16
	Seneca	97.82
	St. Lawrence	47.71
	Steuben	54.66
	Suffolk	318.22
	Sullivan	109.72
	Tioga	59.51
	Tompkins	98.68
	Ulster	179.67
	Warren	108.70
	Washington	72.76
	Wayne	89.51
	Westchester	277.25
	Wyoming	90.19
	Yates	136.13
North Carolina	Alamance	156.90
	Alexander	147.27
	Alleghany	129.10
	Anson	106.85
	Ashe	137.49
	Avery	169.82
	Beaufort	89.43
	Bertie	79.29
	Bladen	87.18
	Brunswick	102.51
	Buncombe	260.16
	Burke	149.08
	Cabarrus	227.74
	Caldwell	118.67
	Camden	83.21
	Carteret	118.61
	Caswell	84.75
	Catawba	171.10
	Chatham	143.95
	Cherokee	128.29
	Chowan	91.37
	Clay	164.14
	Cleveland	121.96
	Columbus	85.35
	Craven	102.95
	Cumberland	135.09
	Currituck	128.29
	Dare	110.01
	Davidson	151.59
	Davie	133.08
	Duplin	125.47
	Durham	278.65
	Edgecombe	79.73
	Forsyth	243.37
	Franklin	92.99
	Gaston	160.58
	Gates	94.79
	Graham	125.20
	Granville	91.11
	Greene	103.16
	Guilford	213.85
	Halifax	67.10
	Harnett	145.78
	Haywood	168.95
	Henderson	202.82
	Hertford	83.65
	Hoke	115.11
	Hyde	77.77
	Iredell	142.20
	Jackson	214.30
	Johnston	123.98
	Jones	106.01
	Lee	150.73
	Lenoir	104.08
	Lincoln	149.86
	Macon	208.31
	Madison	129.68
	Martin	70.03
	McDowell	137.49
	Mecklenburg	896.62
	Mitchell	152.06
	Montgomery	124.03
	Moore	133.39
	Nash	120.99
	New Hanover	890.11
	Northampton	73.14
	Onslow	164.32
	Orange	174.84
	Pamlico	95.50
	Pasquotank	104.18
	Pender	139.87
	Perquimans	93.09
	Person	98.79
	Pitt	100.55
	Polk	168.46
	Randolph	132.11
	Richmond	114.14
	Robeson	86.69
	Rockingham	101.28
	Rowan	152.98
	Rutherford	125.05
	Sampson	127.90
	Scotland	94.14
	Stanly	120.26
	Stokes	106.80
	Surry	116.92
	Swain	95.66
	Transylvania	202.27
	Tyrrell	108.47
	Union	139.53
	Vance	77.87
	Wake	304.85
	Warren	76.07
	Washington	95.92
	Watauga	168.38
	Wayne	130.49
	Wilkes	133.99
	Wilson	98.95
	Yadkin	143.06
	Yancey	142.41
North Dakota	Adams	28.54
	Barnes	61.81
	Benson	36.59
	Billings	24.58
	Bottineau	41.35
	Bowman	27.49
	Burke	28.19
	Burleigh	50.81
	Cass	99.43
	Cavalier	55.63
	Dickey	63.52
	Divide	28.59
	Dunn	30.68
	Eddy	38.91
	Emmons	42.39
	Foster	53.70
	Golden Valley	28.13
	Grand Forks	91.22
	Grant	28.64
	Griggs	47.52
	Hettinger	37.58
	Kidder	33.64
	LaMoure	67.90
	Logan	31.85
	McHenry	29.12
	McIntosh	36.48
	McKenzie	27.44
	McLean	47.74
	Mercer	36.59
	Morton	37.55
	Mountrail	34.18
	Nelson	36.37
	Oliver	38.59
	Pembina	73.73
	Pierce	37.68
	Ramsey	48.38
	Ransom	53.81
	Renville	42.92
	Richland	85.29
	Rolette	34.23
	Sargent	74.54
	Sheridan	29.36
	Sioux	33.24
	Slope	28.27
	Stark	35.60
	Steele	58.76
	Stutsman	53.62
	Towner	37.04
	Traill	82.48
	Walsh	67.21
	Ward	43.67
	Wells	45.76
	Williams	29.31
Ohio	Adams	103.52
	Allen	193.49
	Ashland	162.00
	Ashtabula	116.61
	Athens	85.68
	Auglaize	217.09
	Belmont	102.10
	Brown	117.54
	Butler	220.13
	Carroll	125.60
	Champaign	191.20
	Clark	201.12
	Clermont	149.46
	Clinton	158.88
	Columbiana	153.84
	Coshocton	140.77
	Crawford	171.89
	Cuyahoga	435.03
	Darke	221.83
	Defiance	152.96
	Delaware	208.64
	Erie	174.50
	Fairfield	205.38
	Fayette	190.45

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Franklin	214.42
	Fulton	186.26
	Gallia	83.81
	Geauga	193.20
	Greene	190.40
	Guernsey	99.25
	Hamilton	354.47
	Hancock	161.12
	Hardin	157.01
	Harrison	88.26
	Henry	174.66
	Highland	133.89
	Hocking	120.72
	Holmes	206.42
	Huron	162.21
	Jackson	75.04
	Jefferson	145.70
	Knox	161.25
	Lake	217.65
	Lawrence	87.65
	Licking	176.42
	Logan	161.36
	Lorain	199.57
	Lucas	220.71
	Madison	184.90
	Mahoning	176.69
	Marion	155.68
	Medina	208.88
	Meigs	92.45
	Mercer	257.94
	Miami	197.89
	Monroe	87.14
	Montgomery	192.37
	Morgan	92.21
	Morrow	160.05
	Muskingum	109.36
	Noble	82.08
	Ottawa	144.24
	Paulding	166.93
	Perry	121.97
	Pickaway	160.88
	Pike	110.82
	Portage	173.62
	Preble	170.58
	Putnam	178.50
	Richland	200.13
	Ross	122.21
	Sandusky	158.02
	Scioto	83.68
	Seneca	157.04
	Shelby	205.01
	Stark	246.50
	Summit	356.39
	Trumbull	115.49
	Tuscarawas	148.13
	Union	169.33
	Van Wert	199.84
	Vinton	84.42
	Warren	208.64
	Washington	85.04
	Wayne	238.39
	Williams	137.62
	Wood	177.57
	Wyandot	152.16
Oklahoma	Adair	62.85
	Alfalfa	44.75
	Atoka	48.19
	Beaver	23.60
	Beckham	35.00
	Blaine	42.78
	Bryan	59.57
	Caddo	45.51
	Canadian	61.72
	Carter	53.34
	Cherokee	65.24
	Choctaw	46.61
	Cimarron	21.68
	Cleveland	127.47
	Coal	47.85
	Comanche	50.66

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Cotton	35.71
	Craig	55.31
	Creek	57.62
	Custer	38.15
	Delaware	71.71
	Dewey	36.03
	Ellis	26.12
	Garfield	45.62
	Garvin	50.37
	Grady	55.13
	Grant	42.17
	Greer	30.38
	Harmon	32.90
	Harper	28.93
	Haskell	49.98
	Hughes	41.91
	Jackson	36.73
	Jefferson	40.62
	Johnston	49.19
	Kay	43.22
	Kingfisher	50.53
	Kiowa	32.95
	Latimer	47.19
	Le Flore	56.81
	Lincoln	58.89
	Logan	58.86
	Love	64.51
	Major	38.99
	Marshall	63.64
	Mayes	73.05
	McClain	69.27
	McCurtain	56.26
	McIntosh	49.95
	Murray	56.18
	Muskogee	59.28
	Noble	46.75
	Nowata	54.21
	Okfuskee	45.01
	Oklahoma	170.27
	Okmulgee	58.12
	Osage	41.83
	Ottawa	72.94
	Pawnee	46.85
	Payne	63.62
	Pittsburg	46.04
	Pontotoc	56.97
	Pottawatomie	59.23
	Pushmataha	40.52
	Roger Mills	33.69
	Rogers	76.46
	Seminole	47.90
	Sequoyah	57.57
	Stephens	46.22
	Texas	26.62
	Tillman	34.87
	Tulsa	153.17
	Wagoner	74.44
	Washington	61.86
	Washita	39.05
	Woods	34.84
	Woodward	31.95
Oregon	Baker	23.25
	Benton	119.74
	Clackamas	400.15
	Clatsop	133.04
	Columbia	160.96
	Coos	56.69
	Crook	17.76
	Curry	65.86
	Deschutes	161.20
	Douglas	63.50
	Gilliam	13.39
	Grant	19.25
	Harney	12.68
	Hood River	259.02
	Jackson	157.98
	Jefferson	15.90
	Josephine	334.64
	Klamath	40.71
	Lake	20.11

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Lane	159.14
	Lincoln	102.26
	Linn	131.91
	Malheur	27.68
	Marion	230.02
	Morrow	20.96
	Multnomah	388.34
	Polk	132.35
	Sherman	15.81
	Tillamook	145.00
	Umatilla	33.93
	Union	33.70
	Wallowa	30.35
	Wasco	16.94
	Washington	318.03
	Wheeler	16.83
	Yamhill	189.31
Pennsylvania	Adams	181.99
	Allegheny	231.68
	Armstrong	96.31
	Beaver	159.90
	Bedford	107.73
	Berks	296.25
	Blair	178.32
	Bradford	95.75
	Bucks	248.65
	Butler	139.84
	Cambria	122.39
	Cameron	75.17
	Carbon	174.94
	Centre	177.08
	Chester	320.85
	Clarion	84.84
	Clearfield	95.36
	Clinton	172.80
	Columbia	159.34
	Crawford	88.30
	Cumberland	201.21
	Dauphin	232.34
	Delaware	380.45
	Elk	110.95
	Erie	119.22
	Fayette	109.44
	Forest	129.50
	Franklin	198.96
	Fulton	110.34
	Greene	96.31
	Huntingdon	127.23
	Indiana	95.15
	Jefferson	87.59
	Juniata	172.37
	Lackawanna	140.10
	Lancaster	483.26
	Lawrence	115.97
	Lebanon	380.58
	Lehigh	207.45
	Luzerne	160.24
	Lycoming	135.29
	McKean	75.27
	Mercer	105.64
	Mifflin	163.31
	Monroe	155.72
	Montgomery	511.67
	Montour	170.26
	Northampton	198.33
	Northumberland	155.19
	Perry	175.20
	Philadelphia	1,551.70
	Pike	58.83
	Potter	90.63
	Schuylkill	175.62
	Snyder	193.78
	Somerset	85.18
	Sullivan	108.12
	Susquehanna	125.28
	Tioga	100.35
	Union	253.70
	Venango	100.35
	Warren	91.47
	Washington	172.08

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Wayne	113.49
	Westmoreland	156.17
	Wyoming	109.52
	York	216.75
Puerto Rico	All Areas	143.15
Rhode Island	Bristol	1,007.65
	Kent	316.37
	Newport	545.50
	Providence	318.62
	Washington	304.14
South Carolina	Abbeville	80.35
	Aiken	97.77
	Allendale	57.25
	Anderson	147.29
	Bamberg	76.10
	Barnwell	72.28
	Beaufort	94.00
	Berkeley	69.37
	Calhoun	79.18
	Charleston	243.16
	Cherokee	87.31
	Chester	86.24
	Chesterfield	76.61
	Clarendon	59.02
	Colleton	78.64
	Darlington	67.38
	Dillon	59.46
	Dorchester	72.96
	Edgefield	91.54
	Fairfield	74.41
	Florence	82.17
	Georgetown	53.02
	Greenville	238.46
	Greenwood	88.66
	Hampton	63.30
	Horry	117.05
	Jasper	95.02
	Kershaw	80.17
	Lancaster	102.57
	Laurens	99.51
	Lee	62.70
	Lexington	143.60
	Marion	60.50
	Marlboro	50.01
	McCormick	52.01
	Newberry	86.01
	Oconee	165.71
	Orangeburg	78.33
	Pickens	182.97
	Richland	124.50
	Saluda	80.27
	Spartanburg	213.62
	Sumter	77.73
	Union	65.77
	Williamsburg	58.27
	York	181.13
South Dakota	Aurora	70.68
	Beadle	71.72
	Bennett	25.35
	Bon Homme	106.10
	Brookings	122.56
	Brown	89.53
	Brule	68.66
	Buffalo	41.15
	Butte	25.54
	Campbell	48.76
	Charles Mix	74.25
	Clark	83.89
	Clay	125.22
	Codington	92.33
	Corson	24.47
	Custer	42.50
	Davison	90.49
	Day	70.44
	Deuel	91.83
	Dewey	25.83
	Douglas	99.10
	Edmunds	65.51
	Fall River	19.07
	Faulk	67.83

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Grant	99.31
	Gregory	50.04
	Haakon	24.58
	Hamlin	104.56
	Hand	54.75
	Hanson	115.10
	Harding	17.71
	Hughes	50.36
	Hutchinson	119.71
	Hyde	40.67
	Jackson	23.30
	Jerauld	63.68
	Jones	30.44
	Kingsbury	101.47
	Lake	136.38
	Lawrence	47.64
	Lincoln	183.92
	Lyman	43.97
	Marshall	74.94
	McCook	116.30
	McPherson	57.36
	Meade	25.33
	Mellette	25.70
	Miner	94.09
	Minnehaha	171.75
	Moody	154.99
	Pennington	17.94
	Perkins	28.18
	Potter	22.13
	Roberts	56.30
	Sanborn	80.08
	Shannon	76.09
	Spink	83.41
	Stanley	24.53
	Sully	57.36
	Todd	22.64
	Tripp	43.14
	Turner	133.66
	Union	156.46
	Walworth	52.73
	Yankton	117.76
	Ziebach	22.77
Tennessee	Anderson	145.71
	Bedford	111.11
	Benton	66.36
	Bledsoe	91.85
	Blount	171.60
	Bradley	161.71
	Campbell	110.33
	Cannon	95.64
	Carroll	72.92
	Carter	138.62
	Cheatham	121.50
	Chester	67.72
	Claiborne	83.40
	Clay	88.87
	Cocke	118.04
	Coffee	109.45
	Crockett	89.72
	Cumberland	107.80
	Davidson	239.38
	Decatur	58.90
	DeKalb	90.23
	Dickson	112.01
	Dyer	89.69
	Fayette	89.93
	Fentress	92.57
	Franklin	109.35
	Gibson	94.41
	Giles	87.32
	Grainger	101.27
	Greene	119.80
	Grundy	92.23
	Hamblen	146.83
	Hamilton	262.63
	Hancock	70.98
	Hardeman	61.03
	Hardin	59.51
	Hawkins	99.37
	Haywood	88.50

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Henderson	67.24
	Henry	88.63
	Hickman	84.10
	Houston	86.20
	Humphreys	74.20
	Jackson	82.79
	Jefferson	137.29
	Johnson	105.93
	Knox	262.50
	Lake	93.61
	Lauderdale	90.25
	Lawrence	87.88
	Lewis	76.23
	Lincoln	97.67
	Loudon	151.71
	Macon	100.33
	Madison	87.00
	Marion	86.76
	Marshall	93.27
	Maury	107.64
	McMinn	124.41
	McNairy	58.74
	Meigs	88.71
	Monroe	113.37
	Montgomery	131.10
	Moore	96.55
	Morgan	81.54
	Obion	95.96
	Overton	89.96
	Perry	59.09
	Pickett	93.35
	Polk	109.67
	Putnam	123.96
	Rhea	114.94
	Roane	140.41
	Robertson	140.91
	Rutherford	196.27
	Scott	71.22
	Sequatchie	103.03
	Sevier	163.02
	Shelby	139.64
	Smith	92.01
	Stewart	70.66
	Sullivan	188.38
	Sumner	141.63
	Tipton	87.72
	Trousdale	91.51
	Unicoi	190.51
	Union	109.11
	Van Buren	89.32
	Warren	92.15
	Washington	209.87
	Wayne	63.11
	Weakley	96.41
	White	101.75
	Williamson	161.61
	Wilson	130.94
Texas	Anderson	72.18
	Andrews	20.03
	Angelina	92.75
	Aransas	42.86
	Archer	37.82
	Armstrong	23.64
	Atascosa	58.11
	Austin	99.41
	Bailey	21.68
	Bandera	64.42
	Bastrop	104.71
	Baylor	26.27
	Bee	52.10
	Bell	83.53
	Bexar	151.16
	Blanco	75.90
	Borden	22.47
	Bosque	63.20
	Bowie	76.43
	Brazoria	119.14
	Brazos	144.79
	Brewster	17.33
	Briscoe	22.73

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Brooks	39.50
	Brown	61.36
	Burleson	87.22
	Burnet	75.44
	Caldwell	97.25
	Calhoun	54.57
	Callahan	44.08
	Cameron	90.61
	Camp	83.84
	Carson	34.59
	Cass	59.68
	Castro	35.12
	Chambers	60.24
	Cherokee	79.08
	Childress	23.54
	Clay	48.97
	Cochran	23.57
	Coke	24.48
	Coleman	41.82
	Collin	253.14
	Collingsworth	25.81
	Colorado	76.58
	Comal	86.92
	Comanche	67.17
	Concho	37.54
	Cooke	84.17
	Coryell	66.33
	Cottle	28.25
	Crane	21.58
	Crockett	20.67
	Crosby	24.69
	Culberson	18.73
	Dallam	28.86
	Dallas	206.08
	Dawson	26.47
	Deaf Smith	28.71
	Delta	50.09
	Denton	243.06
	DeWitt	78.19
	Dickens	27.11
	Dimmit	35.89
	Donley	22.02
	Duval	43.19
	Eastland	49.99
	Ector	29.47
	Edwards	29.78
	El Paso	102.19
	Ellis	81.72
	Erath	80.58
	Falls	63.96
	Fannin	73.12
	Fayette	102.62
	Fisher	28.79
	Floyd	25.60
	Foard	28.40
	Fort Bend	78.98
	Franklin	78.90
	Freestone	65.28
	Frio	47.03
	Gaines	29.40
	Galveston	134.87
	Garza	25.58
	Gillespie	77.35
	Glasscock	23.39
	Goliad	67.65
	Gonzales	80.94
	Gray	29.12
	Grayson	172.31
	Gregg	143.78
	Grimes	97.91
	Guadalupe	99.08
	Hale	33.11
	Hall	23.39
	Hamilton	63.88
	Hansford	34.16
	Hardeman	26.57
	Hardin	79.59
	Harris	219.77
	Harrison	66.89
	Hartley	31.59
	Haskell	26.77
	Hays	248.74
	Hemphill	28.35
	Henderson	81.14
	Hidalgo	109.92
	Hill	64.37
	Hockley	25.66
	Hood	87.25
	Hopkins	74.27
	Houston	71.04
	Howard	23.54
	Hudspeth	22.98
	Hunt	78.75
	Hutchinson	24.64
	Irion	25.32
	Jack	59.38
	Jackson	74.06
	Jasper	81.62
	Jeff Davis	17.49
	Jefferson	59.94
	Jim Hogg	44.21
	Jim Wells	52.66
	Johnson	100.56
	Jones	29.04
	Karnes	62.25
	Kaufman	76.61
	Kendall	78.80
	Kenedy	18.76
	Kent	21.81
	Kerr	63.55
	Kimble	50.70
	King	17.64
	Kinney	31.59
	Kleberg	33.60
	Knox	28.35
	La Salle	40.32
	Lamar	63.81
	Lamb	31.71
	Lampasas	71.98
	Lavaca	89.36
	Lee	93.56
	Leon	77.30
	Liberty	76.56
	Limestone	46.88
	Lipscomb	28.61
	Live Oak	54.95
	Llano	66.68
	Loving	4.86
	Lubbock	43.32
	Lynn	25.63
	Madison	76.25
	Marion	50.98
	Martin	22.65
	Mason	59.00
	Matagorda	61.01
	Maverick	35.76
	McCulloch	50.16
	McLennan	91.83
	McMullen	46.22
	Medina	68.06
	Menard	37.72
	Midland	40.95
	Milam	80.50
	Mills	63.86
	Mitchell	25.38
	Montague	69.53
	Montgomery	290.50
	Moore	28.86
	Morris	58.11
	Motley	21.56
	Nacogdoches	73.68
	Navarro	59.79
	Newton	56.53
	Nolan	28.05
	Nueces	77.68
	Ochiltree	31.36
	Oldham	20.74
	Orange	117.56
	Palo Pinto	62.10
	Panola	67.96
Utah	Beaver	24.83
	Box Elder	17.10
	Cache	53.90
	Carbon	13.81
	Daggett	30.97
	Davis	104.01
	Duchesne	10.89
	Emery	23.43
	Garfield	34.88
	Parker	109.34
	Parmer	28.63
	Pecos	17.61
	Polk	76.63
	Potter	25.86
	Presidio	19.93
	Rains	88.55
	Randall	40.26
	Reagan	21.33
	Real	48.89
	Red River	49.04
	Reeves	13.39
	Refugio	31.81
	Roberts	19.37
	Robertson	73.53
	Rockwall	140.90
	Runnels	35.20
	Rusk	65.18
	Sabine	57.42
	San Augustine	71.77
	San Jacinto	104.35
	San Patricio	67.45
	San Saba	62.33
	Schleicher	30.06
	Scurry	26.62
	Shackelford	32.83
	Shelby	89.26
	Sherman	36.42
	Smith	133.57
	Somervell	79.74
	Starr	46.68
	Stephens	44.51
	Sterling	17.26
	Stonewall	23.26
	Sutton	32.32
	Swisher	26.62
	Tarrant	155.36
	Taylor	52.25
	Terrell	19.11
	Terry	25.94
	Throckmorton	35.84
	Titus	64.14
	Tom Green	40.01
	Travis	159.22
	Trinity	67.29
	Tyler	86.84
	Upshur	87.63
	Upton	20.56
	Uvalde	33.06
	Val Verde	25.66
	Van Zandt	93.48
	Victoria	74.32
	Walker	93.64
	Waller	118.86
	Ward	27.08
	Washington	121.68
	Webb	43.60
	Wharton	73.86
	Wheeler	27.72
	Wichita	37.52
	Wilbarger	32.55
	Willacy	44.72
	Williamson	94.73
	Wilson	80.78
	Winkler	28.53
	Wise	99.16
	Wood	85.57
	Yoakum	23.90
	Young	43.04
	Zapata	35.94
	Zavala	44.31

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Grand	9.19
	Iron	21.80
	Juab	14.80
	Kane	20.23
	Millard	22.79
	Morgan	24.54
	Piute	23.21
	Rich	9.74
	Salt Lake	107.99
	San Juan	4.09
	Sanpete	31.45
	Sevier	47.76
	Summit	36.42
	Tooele	15.34
	Uintah	7.03
	Utah	97.41
	Wasatch	61.98
	Washington	41.68
	Wayne	50.63
	Weber	103.94
Vermont	Addison	87.76
	Bennington	125.41
	Caledonia	83.97
	Chittenden	168.07
	Essex	51.47
	Franklin	82.07
	Grand Isle	113.26
	Lamoille	91.73
	Orange	96.86
	Orleans	71.26
	Rutland	72.65
	Washington	112.70
	Windham	131.86
	Windsor	101.70
Virginia	Accomack	113.26
	Albemarle	262.50
	Alleghany	111.85
	Amelia	82.10
	Amherst	123.50
	Appomattox	82.10
	Arlington	7,907.80
	Augusta	185.73
	Bath	97.57
	Bedford	116.73
	Bland	91.44
	Botetourt	111.40
	Brunswick	66.71
	Buchanan	64.16
	Buckingham	99.01
	Campbell	81.89
	Caroline	98.08
	Carroll	85.42
	Charles City	89.51
	Charlotte	69.55
	Chesapeake City	155.18
	Chesterfield	244.56
	Clarke	186.97
	Craig	79.34
	Culpeper	152.50
	Cumberland	101.00
	Dickenson	74.83
	Dinwiddie	81.41
	Essex	84.76
	Fairfax	445.97
	Fauquier	195.28
	Floyd	100.89
	Fluvanna	114.50
	Franklin	95.58
	Frederick	191.67
	Giles	81.55
	Gloucester	125.17
	Goochland	144.09
	Grayson	110.26
	Greene	173.31
	Greensville	71.97
	Halifax	70.35
	Hanover	133.61
	Henrico	160.97
	Henry	78.57
	Highland	84.86
	Isle of Wight	98.56
	James City	268.36
	King and Queen	89.61
	King George	135.63
	King William	107.37
	Lancaster	112.43
	Lee	70.21
	Loudoun	260.48
	Louisa	131.43
	Lunenburg	70.69
	Madison	157.86
	Mathews	113.52
	Mecklenburg	73.35
	Middlesex	105.27
	Montgomery	128.49
	Nelson	134.62
	New Kent	142.05
	Northampton	121.67
	Northumberland	79.77
	Nottoway	84.23
	Orange	167.10
	Page	172.88
	Patrick	73.64
	Pittsylvania	75.23
	Powhatan	140.62
	Prince Edward	75.58
	Prince George	101.02
	Prince William	283.78
	Pulaski	93.35
	Rappahannock	182.86
	Richmond	104.95
	Roanoke	152.40
	Rockbridge	130.51
	Rockingham	234.69
	Russell	76.69
	Scott	69.98
	Shenandoah	156.14
	Smyth	77.75
	Southampton	81.92
	Spotsylvania	149.58
	Stafford	347.73
	Suffolk	109.52
	Surry	89.67
	Sussex	73.64
	Tazewell	72.60
	Virginia Beach City.	256.02
	Warren	200.30
	Washington	133.69
	Westmoreland	99.03
	Wise	82.18
	Wythe	104.05
	York	320.96
Washington	Adams	24.78
	Asotin	22.96
	Benton	67.65
	Chelan	267.28
	Clallam	221.62
	Clark	155.27
	Columbia	28.26
	Cowlitz	155.42
	Douglas	20.48
	Ferry	8.99
	Franklin	79.75
	Garfield	27.30
	Grant	59.38
	Grays Harbor	41.57
	Island	190.55
	Jefferson	132.10
	King	611.77
	Kitsap	610.31
	Kittitas	71.63
	Klickitat	30.86
	Lewis	104.15
	Lincoln	21.21
	Mason	148.60
	Okanogan	20.95
	Pacific	60.12
	Pend Oreille	46.25
	Pierce	372.98
	San Juan	164.14
	Skagit	175.82
	Skamania	209.70
	Snohomish	335.53
	Spokane	64.70
	Stevens	27.23
	Thurston	206.19
	Wahkiakum	83.40
	Walla Walla	43.93
	Whatcom	291.48
	Whitman	30.30
	Yakima	47.82
West Virginia	Barbour	62.22
	Berkeley	142.53
	Boone	62.32
	Braxton	54.73
	Brooke	75.27
	Cabell	94.97
	Calhoun	48.58
	Clay	45.88
	Doddridge	56.73
	Fayette	77.62
	Gilmer	35.09
	Grant	69.87
	Greenbrier	69.44
	Hampshire	80.04
	Hancock	121.88
	Hardy	85.61
	Harrison	66.72
	Jackson	58.91
	Jefferson	156.49
	Kanawha	103.41
	Lewis	57.56
	Lincoln	49.11
	Logan	65.92
	Marion	78.98
	Marshall	68.93
	Mason	64.75
	McDowell	165.10
	Mercer	67.01
	Mineral	74.29
	Mingo	29.74
	Monongalia	120.71
	Monroe	70.93
	Morgan	139.46
	Nicholas	69.68
	Ohio	96.56
	Pendleton	59.95
	Pleasants	61.50
	Pocahontas	49.96
	Preston	73.20
	Putnam	76.37
	Raleigh	98.83
	Randolph	64.62
	Ritchie	48.10
	Roane	51.43
	Summers	60.54
	Taylor	81.94
	Tucker	76.29
	Tyler	50.97
	Upshur	70.48
	Wayne	53.53
	Webster	61.26
	Wetzel	51.35
	Wirt	48.18
	Wood	88.81
	Wyoming	89.18
Wisconsin	Adams	118.07
	Ashland	58.76
	Barron	89.93
	Bayfield	57.63
	Brown	223.44
	Buffalo	103.63
	Burnett	71.62
	Calumet	207.11
	Chippewa	93.61
	Clark	106.74
	Columbia	153.29
	Crawford	83.64
	Dane	216.71

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Dodge	153.71
	Door	125.12
	Douglas	51.58
	Dunn	94.72
	Eau Claire	120.12
	Florence	66.47
	Fond du Lac	191.35
	Forest	63.81
	Grant	124.07
	Green	142.74
	Green Lake	150.45
	Iowa	127.94
	Iron	89.45
	Jackson	99.95
	Jefferson	161.87
	Juneau	97.42
	Kenosha	199.24
	Kewaunee	147.82
	La Crosse	131.17
	Lafayette	157.21
	Langlade	86.06
	Lincoln	85.25
	Manitowoc	179.49
	Marathon	124.96
	Marinette	101.97
	Marquette	109.84
	Menominee	45.66
	Milwaukee	234.83
	Monroe	104.34
	Oconto	109.58
	Oneida	106.92
	Outagamie	189.56
	Ozaukee	172.39
	Pepin	101.90
	Pierce	121.52
	Polk	93.03
	Portage	107.84
	Price	64.68
	Racine	202.06
	Richland	88.27
	Rock	173.31
	Rusk	65.36
	Sauk	110.65
	Sawyer	68.20
	Shawano	122.62
	Sheboygan	173.44
	St. Croix	123.31
	Taylor	77.20
	Trempealeau	104.11
	Vernon	102.16
	Vilas	155.53
	Walworth	182.36
	Washburn	82.27
	Washington	185.51
	Waukesha	144.85
	Waupaca	118.78
	Waushara	111.29
	Winnebago	183.36
	Wood	87.09
Wyoming	Albany	10.52
	Big Horn	22.87
	Campbell	8.14
	Carbon	7.91
	Converse	7.61
	Crook	14.09
	Fremont	18.33
	Goshen	12.40
	Hot Springs	8.94
	Johnson	8.46
	Laramie	12.20
	Lincoln	26.31
	Natrona	6.53
	Niobrara	9.02
	Park	21.50
	Platte	12.63
	Sheridan	17.61
	Sublette	23.76
	Sweetwater	4.26
	Teton	58.27
	Uinta	15.43

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2021—Continued

State	County	Fee/acre/yr
	Washakie	16.82
	Weston	9.63

[FR Doc. 2021–02570 Filed 2–9–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0283; FRL–10016–88–Region 3]

Air Plan Approval; Virginia; Negative Declarations Certification for the 2008 Ozone National Ambient Air Quality Standard Including the 2016 Oil and Natural Gas Control Techniques Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia. The portion for approval consists of negative declarations for certain specified Control Techniques Guidelines (CTG), including the 2016 Oil and Natural Gas CTG (2016 Oil and Gas CTG), as well as a number of other negative declarations for Alternative Control Techniques (ACTs) for the 2008 ozone National Ambient Air Quality Standard (NAAQS). The negative declarations cover only those CTGs or ACTs for which there are no sources subject to those CTGs or ACTs located in the Northern Virginia Volatile Organic Compound (VOC) Emissions Control Area. EPA is approving these revisions to the Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on March 12, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0283. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Erin Trouba, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The telephone number is (215) 814–2023. Ms. Trouba can also be reached via electronic mail at *Trouba.Erin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 2020 (85 FR 43187), EPA published a notice of proposed rulemaking (NPRM) pertaining to part of a SIP submittal from the Commonwealth of Virginia. In the NPRM, EPA proposed approval of negative declarations for certain specified CTGs, including the 2016 Oil and Gas CTG, as well as a number of other negative declarations for ACTs for the 2008 ozone NAAQS.[1] Virginia's negative declarations cover the Northern Virginia area that was designated nonattainment for the 2008 ozone NAAQS and/or included as part of the Ozone Transport Region (OTR) by CAA section 184(a).[2] The SIP revision that EPA is taking final action to approve in this action was submitted to EPA by the Virginia Department of Environmental Quality (VADEQ) on April 2, 2020. For additional information on the scope of the SIP submittal and the specific CTGs and ACTs for which VADEQ submitted a negative declaration, please see the NPRM.

The CAA regulates emissions of nitrogen oxides (NO_X) and VOCs to prevent photochemical reactions that result in ozone formation. Reasonably available control technology (RACT) is a strategy for reducing NO_X and VOC emissions from stationary sources within areas not meeting the ozone NAAQS, and for areas within the OTR. EPA has consistently defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility. CTGs and ACTs form

[1] See the NPRM for the list of negative declarations that the Commonwealth submitted for Northern Virginia, and which EPA is acting on here.

[2] The Northern Virginia area consists of Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

important components of the guidance that EPA provides to states for making RACT determinations. CTGs are used to presumptively define VOC RACT for applicable source categories of VOCs. ACTs describe an available range of control technologies and their respective cost effectiveness for particular source categories, but do not identify any particular option as the presumptive norm for what is RACT.

On March 6, 2016 (80 FR 12264), EPA issued a final rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (2008 Ozone Implementation Rule). In the preamble to the final rule, EPA makes clear that if there are no sources covered by a specific CTG source category located in an ozone nonattainment area or an area in the OTR, the state may submit a negative declaration for that CTG. 80 FR 12264, 12278.

II. Summary of SIP Revision and EPA Analysis

In its April 2, 2020 submittal, VADEQ certified to EPA that the Northern Virginia area has met all of the CAA RACT implementation requirements for the 2008 ozone NAAQS, including CAA sections 182(b)(2) and 184(b)(1)(B). However, this final rule only addresses section 2.2 of the April 2, 2020 submittal, which contains negative declarations for certain CTGs and ACTs in the Northern Virginia area, as described in the NPRM. EPA notes that Virginia's April 2, 2020 SIP submission also addresses RACT for major sources of NO_X and VOC in the Northern Virginia area under CAA section 182(b)(2)(C), but that portion of the SIP submittal is not being addressed in this action, and will instead be addressed in a future action taken by EPA.

Table 3 of section 2.2 of the SIP submittal identifies source categories subject to CTGs and ACTs for which Virginia is submitting a negative declaration stating that there are no sources located in the Northern Virginia area subject to these CTGs or ACTs, for purposes of the 2008 ozone NAAQS. As noted in the NPRM, EPA issued a CTG for the Oil and Gas Industry in October of 2016. Because this is a newer CTG, section 2.2 of the submittal includes a first-time negative declaration for the 2016 Oil and Gas CTG. Along with the other negative declarations, VADEQ asserts that there are no facilities in the Northern Virginia area that are currently involved in oil and gas production and processing activities covered by the 2016 Oil and Gas CTG. The rationale for EPA's proposed action is explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received three comments on the July 16, 2020 NPRM. All comments received are in the docket for this action. One comment was generally supportive of the CAA's impact on human health and the environment but did not specifically address any aspect of EPA's proposed action and will therefore not be addressed here. A summary of the other two comments and EPA's responses are provided herein.

Comment 1: The Commenter asserts that EPA should not approve Virginia's negative declarations ''. . . without review of all possible uses the state might use these approved declarations,'' because it may allow the state to ''. . . skirt more necessary environmental protections.'' The Commenter also appears to claim that EPA's approval of Virginia's negative declarations hinders development of projects in the state. To support this claim, the Commenter cites an unidentified analysis which purports to show that a solar industry investment project in Virginia was potentially blocked by such a declaration. Citing climate change as an example, the Commenter further asserts that ''(w)ith EPA taking an official stance against projects to protect the environment, we all stand to lose.''

Response 1: The Commenter has misinterpreted the purpose of the negative declarations, as well as the scope and impact of EPA's approval. As stated in the NPRM, the negative declarations in Virginia's April 2, 2020 submittal are related to the provisions of CAA section 184(b) which require that states in the OTR, or with areas included within the OTR, must revise their SIPs to implement RACT with respect to all sources of VOC covered by a CTG document. Because portions of Virginia are within the OTR, Virginia must provide a SIP submission to address RACT for all sources of VOC covered by a CTG. See NPRM 85 FR 43188, July 16, 2020.

EPA has historically allowed states to submit a negative declaration for a particular CTG category if the state finds that no sources exist in the state, or area, which would be subject to that CTG. EPA has addressed the idea of negative declarations numerous times and for various NAAQS including in the General Preamble to the 1990 Amendments,[3] the 2006 RACT Q&A Memo,[4] and the 2008 Ozone Implementation Rule.[5] In each of these documents, EPA asserted that if no sources exist in the nonattainment area for a particular CTG category, the state would be allowed to submit a negative declaration SIP revision. This principle also applies to states and areas in the OTR.

Nothing in the CAA or EPA's implementing rules or guidance suggests that states must have a SIP approved regulation for a category of CTG sources that does not exist in the state. Should a new source of the type covered by the existing CTG be constructed in a state after approval of a negative declaration, EPA expects the state to develop a regulation and submit it to EPA for approval into the SIP in accordance with the relevant timing provided for by the CAA. At this time, because the portion of Northern Virginia included in the OTR does not have any sources subject to any of the CTGs listed in the NPRM, no regulations are required to be developed and submitted to EPA for SIP approval for those CTGs.

Also, contrary to commenter's claim, the negative declarations will not have any impact on any proposed development projects. The negative declarations neither exempt sources subject to a CTG from complying with other provisions of the CAA and Virginia law which otherwise apply nor create any new requirements. In addition, EPA cannot identify any impact the negative declarations would have on any proposed solar project as claimed by the Commenter, and EPA is unable to evaluate the analysis that the Commenter references because no citation is included in the comment. The Commenter also references a letter from April 6, 2013 that they sent to EPA. However, because the commenter did not identify the matter to which it applied or the person to whom the letter was sent, EPA could not locate such a letter and was therefore unable to evaluate it.

Comment 2: A second Commenter also claims that EPA should not approve Virginia's negative declarations. First, the Commenter asserts that Virginia has no legal authority to make such declarations. Further, the Commenter asserts that negative declarations ''. . .

[3] ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 at 13512 (April 16, 1992).

[4] ''RACT Qs & As—Reasonably Available Control Technology (RACT): Questions and Answers'' Memorandum from William T. Harnett, May 18, 2006.

[5] ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements,'' (80 FR 12263 at 12278 (March 6, 2015)).

preclude any future development in that sector . . . unless a new state regulation is developed and enforced upon the new sources.'' Additionally, the Commenter asserts that the negative declarations will have a devastating effect on development, and that they are contrary to an unidentified Executive Order ''. . . precluding the government from imposing new regulations or rules on the oil and gas industry.'' Finally, the Commenter asserts that ''EPA must revoke this proposed rule and redo its analysis to show no state laws are being broken that restrict economic development and EPA must show that the rule is in line with the executive order promoting energy infrastructure and economic growth.''

Response 2: First, EPA notes that the Commenter is incorrect in the assertion that the Commonwealth of Virginia lacks the legal authority to make and submit the negative declarations proposed for approval in the NPRM. The CAA establishes a partnership between state and Federal entities for the protection and improvement of the nation's air quality. Under CAA section 109, EPA is required to establish NAAQS for certain criteria air pollutants in order to protect public health and welfare. Subsequent to the promulgation or revision of a NAAQS, states are required by CAA section 110 to adopt and submit to EPA for approval a SIP which provides for the implementation, maintenance, and enforcement of the NAAQS within that state. This requires that the state have adequate state law authority to adopt, implement, and enforce the SIP. Virginia state law provides such authorities to the Virginia Air Pollution Control Board, which was created by the legislature of Virginia (See Va. Code Sec. 10.1–1300 through 1332.4). The Air Pollution Control Board has the broad authority to, among other things, act reasonably to achieve and maintain levels of air quality that will protect human health, welfare, and safety (Va. Code Sec. 10.1–1306); ''advise, consult, and cooperate with agencies of the United States . . . in furtherance of the purposes of this chapter'' (Va. Code Sec. 10.1–1307.A); ''. . . promulgate regulations, including emergency regulations, abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act (section 2.2–4000 *et seq.*) . . .'' (Va. Code Sec. 10.1–1308); enforce the regulations it adopts (''[a]fter the Board has adopted the regulations provided for in Va. Code section 10.1–1308, it shall have the power to: (i) Initiate and receive complaints as to air pollution; (ii) hold or cause to be held hearings and enter orders diminishing or abating the causes of air pollution and orders to enforce its regulations pursuant to Va. Code section 10.1–1309; and (iii) institute legal proceedings, including suits for injunctions for the enforcement of its orders, regulations, and the abatement and control of air pollution and for the enforcement of penalties'' (Va. Code Sec. 10.1–1307.D)); and issue, revoke, amend, or deny permits for the issuance of air pollutants (See Va. Code Sec. 10.1–1322). These authorities provide the legal basis and authority for the Virginia Air Pollution Control Board to submit a negative declaration to EPA attesting that certain sources covered by CTGs do not exist in the Northern Virginia area.

Further, EPA cannot identify, and the Commenter did not identify, any conflict with any state law which the approval of these negative declarations might create. As discussed previously, the negative declarations being approved by this action do not create any new Virginia law, so no conflict with existing state law is being created.

The Commenter is also incorrect about the impact and purpose of Virginia's negative declarations. As discussed in response to Comment 1, the negative declarations which EPA proposed to approve in the July 16, 2020 NPRM do not preclude any future proposal to locate a new source in the Northern Virginia area that is subject to a CTG. The sole purpose of these negative declarations is to certify that at the time of the declaration, no sources covered by a particular CTG exist within the Northern Virginia area. EPA's approval of the negative declarations indicates that the Agency agrees with the State's factual determination that no sources exist in the Northern Virginia area that are covered by the CTGs and ACTs listed. This factual determination does not itself preclude any future development or limit economic development because it does not impose any restrictions on sources or the State.

Regarding the Commenter's assertion that the negative declarations are contrary to an unidentified Executive Order ''. . . precluding the government from imposing new regulations or rules on the oil and gas industry,'' EPA notes that the comment does not identify the Executive Order containing this prohibition. The Commenter may be referring to Executive Order 13783 (Promoting Energy Independence and Economic Growth) from March 28, 2017. Nevertheless, via this action, neither EPA nor Virginia is adopting or imposing any regulations or rules on the oil and gas industry. As explained previously, Virginia is merely stating that at this time there are no sources in the Northern Virginia area which are subject to the 2016 Oil and Gas CTG.

For the reasons stated, EPA disagrees with the commenters and is therefore finalizing our proposed approval of the negative declarations in Virginia's April 2, 2020 submittal.

IV. Final Action

EPA is approving that portion of Virginia's April 2, 2020 SIP submission making a negative declaration for the 2016 Oil and Gas CTG, as well as re-certifying a number of negative declarations for certain specified CTGs and ACTs, in accordance with the SIP requirements for the 2008 ozone NAAQS, as a revision to the Virginia SIP.

V. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes

granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . . .'' The opinion concludes that ''[r]egarding Va. Code Sec. 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

VI. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because this is not a ''significant regulatory action'' under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 12, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action certifies negative declarations for certain specified CTGs, including the 2016 Oil and Natural Gas CTG, as well as a number of other negative declarations for ACTs for the 2008 ozone NAAQS for the Northern Virginia area and may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

This document of the Environmental Protection Agency was signed on November 17, 2020, by Cosmo Servidio, Regional Administrator, pursuant to the terms of the Consent Decree in *Center for Biological Diversity, et al.,* v. *Wheeler,* Case No. 3:20–cv–00448–VC (N.D. CA). That document with the original signature and date is maintained by EPA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned EPA Official

re-signs the document for publication, as an official document of the Environmental Protection Agency. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Philadelphia, PA, on November 17, 2020 by:

Cosmo Servidio,

Regional Administrator, Region III.

Dated: February 3, 2021,

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (e)(1) is amended by adding the entry for ''CTG Negative Declarations Certification for the 2008 Ozone National Ambient Air Quality Standard'' at the end of the table to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
CTG Negative Declarations Certification for the 2008 Ozone National Ambient Air Quality Standard.	Northern Virginia VOC emissions control area.	04/02/20	2/10/21, [insert **Federal Register** citation].	Certifies negative declarations for CTG and ACT source categories in Northern Virginia, including the 2016 Oil and Gas CTG.

* * * * *

[FR Doc. 2021–02594 Filed 2–9–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[WC Docket No. 19–308; FCC 20–152; FRS 17457]

Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** on January 8, 2021, announcing the elimination of unbundling and resale requirements where they stifle technology transitions and broadband deployment, and the preservation of unbundling requirements where they are still necessary to realize the 1996 Act's goal of robust intermodal competition benefiting all Americans. There is a typographical error in the rules section of this document, incorrectly referring to the heading as ''Availability of DS1 loops'' when it should read ''Availability of DS3 loops.''

DATES: This correction is effective on February 8, 2021.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Megan Danner, Competition Policy Division, Wireline Competition Bureau, at *Megan.Danner@fcc.gov,* 202–418–1151.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 8, 2021, in FR doc. 2020–25254, on page 1674, in the first column, correct the subject heading for § 51.319(a)(5)(i) to read: ''*Availability of DS3 loops*''.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–02772 Filed 2–8–21; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[WC Docket No. 17–84; DA 20–1241; FRS 17275]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission

ACTION: Denial of reconsideration.

SUMMARY: In this document, the Wireline Competition Bureau of the Federal Communications Commission (Commission) denies Public Knowledge's Petition for Reconsideration of the *Wireline Infrastructure Second Report and Order,* published on July 9, 2018, and dismisses as moot Public Knowledge's companion Motion to Hold in Abeyance the same *Order* pending an appeal that has now been denied.

DATES: The Commission denies the petition for reconsideration as of March 12, 2021.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Competition Policy Division, Michele Levy Berlove, at (202) 418–1477, *michele.berlove@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Wireline Competition Bureau's Order on Reconsideration in WC Docket No. 17–84, adopted October 20, 2020 and released October 20, 2020. The full text of this document is available on the Commission's website at *https://docs.fcc.gov/public/attachments/DA-20-1241A1.docx.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer &

Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

The Wireline Competition Bureau adopted the Order on Reconsideration in conjunction with an Order and a Declaratory Ruling in WC Docket No. 17–84.

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

The Commission will not send a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability. This document denying the Order on Reconsideration applies to one petitioner, Public Knowledge.

Synopsis

I. Introduction

1. Next-generation networks hold the promise of new and improved service offerings for American consumers, and encouraging the deployment of these facilities as broadly as possible has long been a priority of the Commission. The COVID–19 pandemic has served to underscore the importance of ensuring that people throughout the country can reap the benefits of these next-generation networks, which provide increased access to economic opportunity, healthcare, education, civic engagement, and connections with family and friends. Removing unnecessary regulatory barriers faced by carriers seeking to transition legacy networks and services to modern broadband infrastructure is therefore a key component of the Commission's work to improve access to advanced communications services and to close the digital divide.

2. In the Order on Reconsideration, the Wireline Competition Bureau denies a petition by Public Knowledge (Petitioner) seeking reconsideration of the *Wireline Infrastructure Second Report and Order* (*Second Report and Order* or *Order*), 83 FR 31659, July 9, 2018, and dismisses as moot its accompanying motion to have the Commission hold that *Order* in abeyance pending the outcome of an appeal.

II. Background

3. Section 214(a) of the Communications Act of 1934, as amended, requires that carriers seek Commission authorization before discontinuing, reducing, or impairing service to a community or part of a community. Unless otherwise noted, this item uses the term ''discontinue'' or ''discontinuance'' as a shorthand for the statutory language ''discontinue, reduce, or impair.'' The Commission will grant such authorization only if it determines that ''neither the present nor future public convenience and necessity will be adversely affected.'' This requirement is ''directed at preventing a loss or impairment of a service offering to a community or part of a community without adequate public interest safeguards.'' Reference to ''the Commission'' with respect to administering its section 214 discontinuance rules throughout this item includes actions taken by the Bureau pursuant to its delegated authority to accept, process, and act on section 214 applications.

4. The Commission's rules implementing section 214(a) provide that a carrier's application seeking Commission discontinuance authority will be automatically granted after sixty or thirty days, depending on whether the carrier is considered dominant or nondominant, respectively, unless the Commission notifies the applicant otherwise. This automatic grant feature has become known as streamlined processing. The Commission may remove an application from streamlined processing based on the contents of the application itself, responsive or oppositional comments, or other issues associated with the application that warrant further scrutiny prior to acting. The Commission will normally authorize the discontinuance, however, ''unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience or necessity is otherwise adversely affected.''

5. In evaluating whether a planned discontinuance of service will adversely affect the public convenience or necessity, the Commission traditionally employs a five-factor balancing test. These five factors analyze: (1) The financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) increased charges for alternative services; and (5) the existence, availability, and adequacy of alternatives. While analysis of these five factors ''generally provides the basis for reviewing discontinuance applications, our 'public interest evaluation necessarily encompasses the broad aims of the Communications Act.' '' In 2016, the Commission revised its streamlined discontinuance rules to create a process applicable specifically to technology transition discontinuance applications. These applications seek to discontinue legacy time-division multiplexing (TDM)-based voice services in a community, replacing them instead with a voice service using a different, next-generation technology. In adopting a new process specifically for technology transition discontinuance applications, the Commission concluded that the existence, availability, and adequacy of alternatives has ''heightened importance'' in evaluating the impact on the public interest, as consumers in the affected community would typically need to transition to more modern voice service alternatives having different characteristics. As a result, carriers could get streamlined treatment of a technology transition discontinuance application only by complying with a set of requirements intended to focus heightened scrutiny on the replacement service to which end-user customers would have access. In order to get streamlined treatment via the adequate replacement test, a technology transition discontinuance applicant must certify or demonstrate that one or more replacement services in the area offers all of the following: (1) Substantially similar levels of network infrastructure and service quality as the applicant service; (2) compliance with existing Federal and/or industry standards required to ensure that critical applications such as 911, network security, and applications for individuals with disabilities remain available; and (3) interoperability and compatibility with an enumerated list of applications and functionalities determined to be key to consumers and competitors.

6. In furtherance of its commitment to encouraging a more rapid transition to next-generation voice technologies and services, the Commission further amended its technology transition discontinuance rules in 2018 to provide an additional, more streamlined option for carriers seeking to discontinue legacy voice services. This option encompassed ''appropriate limitations to protect consumers and the public interest,'' while enabling carriers to work more responsively to ''redirect resources to next-generation networks,'' ultimately benefitting the public. Via a

new ''alternative options test,'' a carrier's technology transition discontinuance application is eligible for streamlined processing when: (1) The discontinuing carrier offers a stand-alone, facilities-based interconnected Voice over Internet Protocol (VoIP) service throughout the affected service area, and (2) at least one stand-alone facilities-based voice service is available from an unaffiliated provider throughout the affected service area. A carrier seeking streamlined treatment for a technology transition discontinuance application can choose to satisfy either the adequate replacement test or the alternative options test. All carriers, regardless of status as dominant or non-dominant, are eligible for the streamlined options for the discontinuance of legacy TDM-based voice service. We note that seeking streamlined treatment for a technology transition discontinuance application is optional. If a discontinuing carrier cannot, or elects not to attempt to, satisfy the requirements associated with seeking one of the streamlined treatment alternatives, the carrier may always proceed with its discontinuance application on a non-streamlined basis, under the traditional five-factor test. In addition, neither the 2016 nor the 2018 technology transition discontinuance rules limited their applicability to incumbent local exchange carriers (LECs). An incumbent LEC is any local exchange carrier in a specific area that: (A) On February 8, 1996, provided telephone exchange service in such area; and (B)(i) on February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to § 69.601(b) of the Commission's regulations (47 CFR 69.601(b)); or (ii) is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in clause (i). By contrast, a competitive LEC is a carrier that intends to compete directly with the incumbent LEC for its customers and its control of the local market.

III. Order on Reconsideration

7. In this Order on Reconsideration, the Wireline Competition Bureau (Bureau) denies Public Knowledge's Petition for Reconsideration (Petition) of the *Wireline Infrastructure Second Report and Order.* We also dismiss as moot Public Knowledge's companion Motion to Hold in Abeyance (Motion) the same *Order* pending an appeal that has now been denied.

8. On June 7, 2018, the Commission adopted the *Second Report and Order,* in which, among other things, it established a new, alternative path for carriers to obtain streamlined treatment of applications to discontinue legacy TDM-based voice services as part of a technology transition. Public Knowledge subsequently sought reconsideration of that *Order* and to have the Commission hold it in abeyance pending the outcome of an appeal of the *Wireless Infrastructure First Report and Order* (*First Report and Order*) (82 FR 61453, Dec. 28, 2017) in the same Commission proceeding. The Wireline Competition Bureau sought comment on Public Knowledge's Petition on September 19, 2018 (83 FR 47325). While the Public Notification seeking comment on the Petition did not also seek comment on the Motion, certain filers responded to the Motion. No commenters other than Public Knowledge filed in support of the Petition. Three commenters filed oppositions to the Petition, generally arguing that it ''offers no basis for the Commission to reverse any of its decisions.'' We agree and deny the Petition. Moreover, we deny the Motion as moot for the additional independent reason that the pending appeal upon which it was based has been denied.

A. The Petition Rehashes Issues Already Addressed

9. In support of its Petition, Public Knowledge raises several arguments that the Commission previously addressed in the *Second Report and Order.* Specifically, the Petition argues that: (1) ''the Commission's changes to its rules . . . pose a threat to the ability of [F]ederal agencies to complete their missions;'' (2) the ''alternative options'' test adopted in the *Second Report and Order* is deficient in various ways; and (3) the Commission improperly relied on ''market-based incentives [as] sufficient to ensure that customers will retain access to adequate service.'' USTelecom noted that ''[m]any of the complaints in the Petition have already been considered by the Commission.'' The Wireline Competition Bureau denies the Petition because all of Public Knowledge's arguments were fully considered, and rejected, by the Commission in the underlying proceeding.

10. First, Public Knowledge argues in its Petition that a filing by the National Telecommunications and Information Administration (NTIA), submitted after the *Second Report and Order* was adopted, raises concerns that Federal agencies ''are likely to be negatively impacted by the fact that the *Order's* discontinuance process does not require carriers to prove that replacement services will provide service substantially similar those being discontinued.'' The Wireline Competition Bureau disagrees with Public Knowledge's characterization of the NTIA letter, and with the assertion that government agencies will be negatively affected by the changes adopted in the *Second Report and Order.*

11. As an initial matter, the Commission fully considered, and rejected, arguments that government agencies would be negatively impacted by the rules adopted in the *Second Report and Order.* In that *Order,* the Commission found unpersuasive ''concerns that large enterprise or government customers will be adversely affected by further streamlined processing of legacy voice discontinuance applications that do not meet the adequate replacement test.'' The Commission found in the *Second Report and Order* that ''carriers are accustomed to working with . . . government users . . . to avoid service disruptions'' and noted the Commission's expectation that under the new streamlined discontinuance processing rules ''carriers will 'continue to collaborate with their [enterprise or government] customers . . . to ensure that they are given sufficient time to accommodate the transition to [next-generation services] such that key functionalities are not lost during this period of change.' '' The Commission went on to note that ''as with all discontinuance applications, [Federal agency] customers are able to file comments in opposition to a discontinuance application and seek to have the Commission remove the application from streamlined processing.'' The NTIA letter referenced by the Petition raises no new concerns about these findings.

12. Moreover, several commenters point out that the Petition misconstrues NTIA's filing, which, ''[c]ontrary to Public Knowledge's assertions, . . . generally supports the Commission's approach'' in the *Second Report and Order.* For example, NTIA ''support[s] the Commission's decision to extend . . . streamlined processing rules . . . for legacy voice and data services operating at speeds less than 1.544 Mbps to carrier applications to discontinue data services at speeds below 25/3 Mbps.'' NTIA observes that ''if carriers' conduct impairs . . . critical national security and public safety functions, the Commission retains 'flexibility to address [agencies'] circumstances on a case-by-case basis.' '' More generally, NTIA recognizes the *Second Report and Order*'s discussion of Federal agencies ''as a commitment to sanction conduct impinging on'' critical

agency functions, expressing confidence ''that the Commission will continue to recognize and address the specific needs of [F]ederal [G]overnment users during the IP transition.'' In particular, NTIA's letter endorses the Commission's discussion of Federal agencies in the *Second Report and Order,* noting that the Commission retains flexibility to address issues related to national security and public safety raised by legacy voice service discontinuances on a case-by-case basis. As Verizon notes, ''NTIA agreed [with the Commission's finding that] the [F]ederal [G]overnment 'generally is well-positioned to protect its interests through large-scale service contracts with carriers.' '' While the NTIA letter cited in the Petition notes that some Federal agencies in remote or less populated areas may not enjoy the level of competition for communications services that exists in other areas of the country, NTIA goes on to state that it is ''encouraged'' by the Commission's discussion of Federal agencies' interests regarding service discontinuances in the *Second Report and Order.* The letter likewise expresses confidence that the Commission's procedures for processing service discontinuances will be sufficient to safeguard the interests of Federal agencies in maintaining mission critical communications infrastructure. In its reply comments in support of its Petition, Public Knowledge seems to suggest that despite its ''amicable tone'' we should nonetheless read the NTIA letter as constituting an implied opposition to the alternative options test adopted in the *Second Report and Order.* The Wireline Competition Bureau declines, however, to read into NTIA's letter arguments that do not appear in its text. And although NTIA suggests that the Bureau ''should hold in abeyance any copper retirement if a [F]ederal user credibly alleges that the carrier's proposed retirement date does not give the user 'sufficient time to accommodate the transition to new network facilities,' '' nowhere does NTIA argue that the framework adopted in the *Second Report and Order* ''is likely'' to adversely impact Federal agencies, nor does NTIA argue that ''any replacement test without quantifiable performance standards has inherent shortcomings,'' as claimed in the Petition. Copper retirements are subject to the Commission's section 251 network change disclosure rules rather than the section 214 discontinuance rules. Those rules contain objection procedures that allow for a limited extension of the proposed copper retirement effective date.

13. The Wireline Competition Bureau also disagrees with arguments in the Petition that the Commission's alternative options test and consumer comment period for discontinuances are arbitrary, inconsistent with the public interest, or unsupported by the record underlying the *Second Report and Order.* The Commission already considered, and rejected, these arguments in the underlying *Order.* As the Commission found in that *Order,* the record ''shows strong support for further streamlining the section 214(a) discontinuance process for legacy voice services for carriers in the midst of a technology transition.'' The Commission observed that ''the number of switched access lines has continued to plummet'' since the adequate replacement test was adopted, ''while the number of interconnected VoIP and mobile voice subscriptions have continued to climb,'' and concluded that ''providing additional opportunities to streamline the discontinuance process for legacy voice services, with appropriate limitations to protect consumers and the public interest, [will] allow carriers to more quickly redirect resources to next-generation networks, and the public to receive the benefit of those new networks.'' Based on these findings, the Commission adopted the alternative options test for carriers seeking streamlined treatment of applications to discontinue legacy voice services, while retaining the preexisting adequate replacement test as an option for carriers.

14. We also dismiss Petitioner's arguments that we must reconsider the *Second Report and Order* because of perceived deficiencies regarding the Commission's broadband maps. Petitioner offers no support for its speculation that these maps ''would presumably guide [the Commission's] analysis regarding whether another stand-alone facilities-based service is available.'' Indeed, nothing in the *Second Report and Order* suggests that the Commission's broadband maps would provide the basis for this determination, and the burden falls on the provider seeking discontinuance to demonstrate the existence of alternative service options.

15. The Petition argues that the absence of specific performance metrics in the alternative options test indicates that the Commission has ''abdicated its statutory duty to promote the public interest.'' The Wireline Competition Bureau disagrees. As Verizon notes in its opposition, the Petition ''ignores the Commission's explanation for why the . . . compliance obligations that it found necessary for the . . . adequate replacement test are not necessary under the alternative options test,'' which, unlike the adequate replacement test, requires the existence of at least *two* alternative services. The alternative options test complements, rather than replaces, the adequate replacement test, both of which ensure that the public interest is protected when carriers seek to discontinue legacy voice services that are part of a technology transition. As the Commission explained in the *Second Report and Order,* ''[w]here only one potential replacement service exists, a carrier must meet the more rigorous demands of the adequate replacement test in order to receive streamlined treatment of its discontinuance application. But where there is more than one facilities-based alternative . . . we expect customers will benefit from competition between facilities-based providers.'' The Commission went on to explain that ''[t]he stand-alone interconnected VoIP service option required to meet the alternative options test embodies managed service quality and underlying network infrastructure, and disabilities access and 911 access requirements, key components of the Commission's 2016 streamlining action.'' For these reasons, the Commission explained, ''under either test, customers will be assured a smooth transition to a voice replacement service that provides capabilities comparable to legacy TDM-based voice services and, often, numerous additional advanced capabilities.'' For this reason, the Wireline Competition Bureau also disagrees with Petitioner's argument that there are ''instances of specific harm that the Commission appeared to purposefully overlook during its 2018 rulemaking,'' citing ''critical functions like medical device support, fire alarms, and connecting credit card readers for small businesses'' and the effects of natural disasters like hurricanes and wildfires. As the Commission explained in the *Second Report and Order,* ''[t]he two parts of the alternative options test . . . address commenters' concerns about potentially inadequate mobile wireless replacement services for customers requiring service quality guarantees and their concerns that vulnerable populations will be unable to use specialized equipment for people with disabilities, such as TTYs or analog captioned telephone devices or will be left without access to 911.''

16. The Wireline Competition Bureau also disagrees with arguments in the Petition that we should reconsider the 10-day consumer comment period adopted in the *Second Report and Order* and ''reinstate the 180-day notice period

for customers of discontinued services.'' There has never been a 180-day customer notice period for discontinuance applications. As Verizon notes, Petitioner's arguments regarding customer notification seem to conflate copper retirement with service discontinuance. The *Second Report and Order* provided for a streamlined 10-day comment period for applications to grandfather legacy voice services, which had previously been subject to the default of 15 days for non-dominant providers and 30 days for dominant providers. The Commission had previously adopted streamlined comment and automatic grant periods for applications to grandfather or to discontinue previously grandfathered low-speed legacy voice and data services. In the *Second Report and Order,* the Commission extended this streamlined treatment to all legacy voice services. The Commission explained in the *Second Report and Order,* ''as existing customers will be entitled to maintain their legacy voice services, they will not be harmed by grandfathering applications.'' It did not, however, shorten the comment period applicable to non-grandfathering technology transition discontinuance applications. Such applications are still subject to the default comment period. And, while the *First Report and Order* revised the Commission's copper retirement rules to ''eliminate the requirement of direct notice to retail customers'' and reduced the copper retirement waiting period from 180 to 90 days, these changes did not affect the requirement or timing within which consumers receive notice of service discontinuance applications under section 214.

17. Finally, the Wireline Competition Bureau dismisses the Petition's argument that the Commission ''must reconsider its belief that market-based incentives are sufficient to ensure that carriers provide adequate replacement services to consumers in the event of a service discontinuance.'' The Commission has previously considered and rejected Petitioner's claims in this regard. Nevertheless, judgments concerning the nature and impact of market incentives as they relate to public policy are well within the Commission's discretion. The rules adopted in the *Second Report and Order* were based on an extensive record, and in the absence of any new data or facts, the Wireline Competition Bureau rejects Petitioner's request to reconsider those rules based solely on the fact that it disagrees with the Commission's assessment of competition in the market for telecommunications services.

B. The Motion To Hold in Abeyance Is Moot

18. The Wireline Competition Bureau dismisses as moot Public Knowledge's accompanying Motion to hold the *Second Report and Order* ''in abeyance until pending litigation is resolved.'' The Motion refers to a challenge in the United States Court of Appeals for the Ninth Circuit of the Commission's 2017 *Wireline Infrastructure First Report and Order,* which was then pending but has since been dismissed for lack of standing. We note that some commenters argue that Public Knowledge's Motion was an improper motion for a stay, or is procedurally defective in other ways. We need not reach determination of these issues, however, as we instead merely dismiss this accompaniment to the Public Knowledge Petition as moot.

19. This action is taken pursuant to the authority delegated by §§ 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91 and 0.291.

IV. Procedural Matters

20. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

21. *Contact Person.* For further information about this proceeding, please contact Michele Levy Berlove, Competition Policy Division, Wireline Competition Bureau, at (202) 418–1477.

V. Ordering Clauses

22. Accordingly, *it is ordered* that, pursuant to sections 1–4 and 214 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 214, this Order on Reconsideration *is adopted.*

23. *It is further ordered* that the Petition for Reconsideration filed by Public Knowledge *is denied.*

24. *It is further ordered* that this Order on Reconsideration *shall be* effective 30 days after publication in the **Federal Register**.

Federal Communications Commission

Daniel Kahn,

Associate Chief, Wireline Competition Bureau.

Editorial note: This document was received for publication by the Office of the Federal Register on January 6, 2021.

[FR Doc. 2021–00287 Filed 2–9–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]

RTID 0648–XA849

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2021 Commercial Longline Closure for South Atlantic Golden Tilefish

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial longline landings for golden tilefish are projected to reach the longline component's commercial quota by February 10, 2021. Therefore, NMFS closes the commercial longline component of golden tilefish in the South Atlantic EEZ on February 10, 2021, at 12:01 a.m. local time. This closure is necessary to protect the golden tilefish resource.

DATES: This temporary rule is effective from 12:01 a.m. local time on February 10, 2021, until 12:01 a.m. local time on January 1, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial golden tilefish sector has two components, each with its own quota: The longline and hook-and-line components (50 CFR 622.190(a)(2)). The commercial golden tilefish annual catch limit (ACL) is allocated 75 percent to the longline component and 25 percent to the hook-and-line component. The total commercial ACL (equivalent to the commercial quota) is 331,740 lb (150,475 kg) gutted weight, and the longline component quota is 248,805 lb (112,856 kg) gutted weight.

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota has been reached or is projected to be reached by filing a notification to that effect with the Office of the Federal Register. After this closure, golden tilefish may not be commercially fished or possessed by a vessel with a golden tilefish longline endorsement. NMFS has determined that the commercial quota for the golden tilefish longline component in the South Atlantic will be reached by February 10, 2021. Accordingly, the commercial longline component of South Atlantic golden tilefish is closed effective at 12:01 a.m. local time on February 10, 2021, and will remain closed until the start of the next fishing year on January 1, 2022.

During the commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). During the commercial longline closure, the recreational bag and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement.

The sale or purchase of longline-caught golden tilefish taken from the South Atlantic EEZ is prohibited during the commercial longline closure. The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish with golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. local time on February 10, 2021. The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m. local time on February 10, 2021, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the sale and purchase prohibitions under the commercial closure apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(a)(1)(ii), 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 is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial closure of the golden tilefish longline component have already been subject to notice and public comment, and all that remains is to notify the public of the commercial component closure. Prior notice and opportunity for public comment on this action is contrary to the public interest because of the need to immediately implement the commercial component closure to protect the South Atlantic golden tilefish resource. The capacity of the longline fishing fleet allows for rapid harvest of the commercial longline component quota, and any delay in the commercial closure could result in the commercial longline component quota being exceeded. Prior notice and opportunity for public comment would require time and would potentially result in a harvest that exceeds the commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: February 5, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–02727 Filed 2–5–21; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 26
Wednesday, February 10, 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 HOMELAND SECURITY

8 CFR Parts 215 and 235

[Docket No. USCBP–2020–0062]

RIN 1651–AB12

Collection of Biometric Data From Aliens Upon Entry to and Departure From the United States; Re-Opening of Comment Period

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed rulemaking; re-opening of comment period.

SUMMARY: U.S. Customs and Border Protection (CBP) published a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 19, 2020, concerning collection of facial images and other biometrics from aliens entering and departing the United States. Based on comments received on the NPRM, CBP has decided to re-open the comment period for an additional 30 days.

DATES: The comment period for the notice of proposed rulemaking published on November 19, 2020 at 85 FR 74162, are reopened. Comments must be received on or before March 12, 2021.

FOR FURTHER INFORMATION CONTACT: Ashley Ortiz, Management and Program Analyst, Office of Field Operations, *ashley.ortiz@cbp.dhs.gov* or (202) 412–7332.

ADDRESSES: Comments may be submitted, identified by docket number USCBP–2020–0062, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

Instructions: All submissions received must include the agency name and docket title for this rulemaking, and must reference docket number USCBP–2020–0062. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov.* Due to relevant COVID–19-related restrictions, CBP has temporarily suspended on-site public inspection of submitted comments.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on the NPRM. Comments that will provide the most assistance to CBP will reference a specific portion of the NPRM, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

Background

The Department of Homeland Security (DHS) is required by statute to develop and implement an integrated, automated entry and exit data system to match records, including biographic data and biometrics, of aliens entering and departing the United States. Although the current regulations provide that DHS may require certain aliens to provide biometrics when entering and departing the United States, they only authorize DHS to require certain aliens to provide biometrics upon departure under pilot programs at land ports and at up to 15 airports and seaports. To advance the legal framework for DHS to begin a comprehensive biometric entry-exit system, DHS is proposing to amend the regulations to remove the references to pilot programs and the port limitation to permit collection of biometrics from aliens departing from airports, land ports, seaports, or any other authorized point of departure. In addition, to enable U.S. Customs and Border Protection (CBP) to make the process for verifying the identity of aliens more efficient, accurate, and secure by using facial recognition technology, DHS is proposing to amend the regulations to provide that all aliens may be required to be photographed upon entry and/or departure. U.S. citizens may voluntarily opt out of participating in CBP's biometric verification program. The NPRM also makes other minor conforming and editorial changes to the regulations. For more detailed information on all of the proposed changes, see the NPRM published on November 19, 2020 at 85 FR 74162.

Based on the comments received, CBP is re-opening the comment period to allow for additional comments to be submitted on the NPRM. Comments must be received on or before March 12, 2021.

Dated: February 4, 2021.

William A. Ferrara,

Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection.

[FR Doc. 2021–02699 Filed 2–9–21; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

Bureau of Ocean Energy Management

30 CFR Part 550

[Docket ID: BSEE–2019–0008, EEEE500000, 21XE1700DX, EX1SF0000.EAQ000]

RIN 1082–AA01

Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf; Reopening of Comment Period

AGENCY: Bureau of Safety and Environmental Enforcement (BSEE); Bureau of Ocean Energy Management (BOEM), Department of the Interior.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The Department of the Interior (DOI or Department), acting through BSEE and BOEM, is reopening the comment period for Proposed Rule: Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions

to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf, which was published in the **Federal Register** on December 9, 2020.

DATES: BSEE and BOEM are reopening the comment period for the proposed rule published December 9, 2020 at 85 FR 79266 until April 9, 2021. You may also submit comments to the Office of Management and Budget (OMB) on the information collection burden in this proposed rule by April 9, 2021. The deadline for comments on the information collection burden does not affect the deadline for the public to comment to BSEE and BOEM on the proposed regulations.

ADDRESSES: You may submit comments on BSEE's or BOEM's sections of the rulemaking by any of the following methods. For comments on this proposed rule and associated documents, please use the Regulation Identifier Number (RIN) 1082–AA01 as an identifier in your message.

- *Federal eRulemaking Portal: http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' enter BSEE–2019–0008, then click search. Follow the instructions to submit public comments and view supporting and related materials available for this rulemaking. BSEE and BOEM may post all submitted comments.
- *Mail or hand-carry comments to the DOI, BSEE and BOEM:* Attention: Regulations and Standards Branch, 45600 Woodland Road, VAE–ORP, Sterling, VA 20166. Please reference RIN 1082–AA01, ''Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,'' in your comments, and include your name and return address.
- *Send comments on the information collection in this rule to:* Interior Desk Officer 1082–AA01, Office of Management and Budget; 202–395–5806 (fax); or via the online portal at *RegInfo.gov.* Please also send a copy to BSEE and BOEM by one of the means previously described.
- *Public Availability of Comments:* 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. For BSEE and BOEM to withhold from disclosure your personal identifying information, you must identify any information contained in your comment submittal that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequence(s) of the disclosure of this information, such as embarrassment, injury, or other harm. While you may request in your comment that we withhold your personal identifying information from public access, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: For technical questions related to regulatory changes BSEE is proposing in Part 250, contact Mark E. Fesmire, BSEE, Alaska Regional Office, *mark.fesmire@bsee.gov,* (907) 334–5300. For technical questions related to regulatory changes BOEM is proposing in Part 550, contact Joel Immaraj, BOEM, Alaska Regional Office, *joel.immaraj@boem.gov,* (907) 334–5238. For procedural questions contact Bryce Barlan, BSEE, Regulations and Standards Branch, *regs@bsee.gov,* (703) 787–1126.

SUPPLEMENTARY INFORMATION: On December 9, 2020, the Department published the Proposed Rule: Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf and opened a 60-day public comment period, which closed February 8, 2021. After publication of the proposed rule, BSEE and BOEM received requests to extend the comment period on the proposed rule for 60 days. BSEE and BOEM are reopening the comment period for an additional 60 days to provide additional time for review of and comment on the Notice of Proposed Rulemaking. Accordingly, comments must be submitted by the extended due date of April 9, 2021. BSEE and BOEM may not fully consider comments received after this date.

Laura Daniel Davis,

Senior Advisor to the Secretary, Exercising the Delegated Authority of the Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior.

[FR Doc. 2021–02799 Filed 2–8–21; 4:15 pm]

BILLING CODE 4310–VH–P; 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0460]

RIN 1625–AA00

Safety Zone; Cocos Lagoon, Merizo, GU

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a recurring safety zone for navigable waters within Cocos Lagoon. This safety zone will encompass the designated swim course for the Cocos Crossing swim event in the waters of Cocos Lagoon, Merizo, Guam. Race participants, chase boats, and organizers of the event will be exempt from the safety zone. Entry of persons or vessels into the safety zone is prohibited unless authorized by the Captain of the Port (COTP) Guam. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 12, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0460 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Robert Davis, Sector Guam, U.S. Coast Guard, by telephone at (671) 355–4866, or email at *WWMGuam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Cocos Crossing swim event is a recurring annual event that occurs on the Sunday before Memorial Day. We have established safety zones for this swim event in past years.

The purpose of this rule is to ensure the safety of the participants and the navigable waters in the safety zone

before, during, and after the scheduled swim event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The Captain of the Port (COTP) is proposing to establish a safety zone from 6:00 a.m. to 1:00 p.m. annually on the Sunday before Memorial Day unless delayed for weather for the Cocos Crossing swimming event. This safety zone is necessary to protect all persons and vessels participating in this marine event from potential safety hazards associated with vessel traffic in the area. Race participants, chase boats, and organizers of the event will be exempt from the safety zone. Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which will impact a small designated area of the Cocos Lagoon for approximately 7 hours. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting approximately 7 hours that would prohibit entry within 100-yards for swim participants. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

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 is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.1418 to read as follows:

§ 165.1418 Safety Zone; Cocos Lagoon, Merizo, GU

(a) *Location.* The following area, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), all navigable waters within a 100-yard radius of race participants in Cocos Lagoon, Merizo, Guam. Race participants, chase boats and organizers of the event will be exempt from the safety zone.

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

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

(2) This safety zone is closed to all persons and vessel traffic, except as may be permitted by the COTP or a designated on-scene representative.

(3) The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and Vessel operators desiring to enter or operate within the safety zone must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16 or at telephone number (671) 355–4821. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

(d) *Enforcement period.* This safety zone will be enforced on the Sunday before Memorial Day from 6:00 a.m. to 1:00 p.m. annually, unless the event is delayed or cancelled due to weather. The Coast Guard will provide advance notice of enforcement and a broadcast notice to mariners to inform public of specific date.

Dated: February 4, 2021.

Joshua M. Empen,

Commander, U.S. Coast Guard, Acting Captain of the Port, Guam.

[FR Doc. 2021–02751 Filed 2–9–21; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 86, No. 26
Wednesday, February 10, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Methods of Analysis and Sampling

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on April 13, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 41st Session of the Codex Committee on Methods of Analysis and Sampling (CCMAS) of the Codex Alimentarius Commission in Budapest, Hungary, May 17–21, 2021. The U.S. Manager for Codex Alimentarius and the Acting Under Secretary for Trade and Foreign Agricultural Affairs (TFAA) recognize the importance of providing interested parties the opportunity to obtain background information on the 41st Session of the CCMAS and to address items on the agenda.

DATES: The public meeting is scheduled for April 13, 2021 from 1:00 p.m. to 3:00 p.m. EST.

ADDRESSES: The public meeting will take place via Video Teleconference hosted by the U.S. Codex Office. Documents related to the 41st Session of the CCMAS will be accessible via the internet at the following address: *http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCMAS&session=41*.

Dr. Gregory Noonan, U.S. Delegate to the 41st Session of the CCMAS, invites U.S. interested parties to submit their comments electronically to the following email address: *gregory.noonan@fda.hhs.gov.*

Registration: Attendees may register to attend the virtual public meeting here: *https://www.zoomgov.com/meeting/register/vJIscuCqqj4oEzgWRDWAK93lKD-mNRIX2gw* or by emailing Ms. Heather Selig (*heather.selig@usda.gov*) by April 1st, 2021.

For Further Information about the 41st Session of the CCMAS: Contact the U.S. Delegate, Dr. Gregory Noonan, Director, Division of Bioanalytical Chemistry, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5001 Campus Drive, College Park, MD 20740, Phone: (240) 402–2250, Fax: (301) 436–2332, Email: *gregory.noonan@fda.hhs.gov.*

For Further Information about the public meeting contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone (202) 720–7760, Fax: (202) 720–3157, Email: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Methods of Analysis and Sampling (CCMAS) are:

(a) To define the criteria appropriate to Codex Methods of Analysis and Sampling;

(b) to serve as a coordinating body for Codex with other international groups working in methods of analysis and sampling and quality assurance systems for laboratories;

(c) to specify, on the basis of final recommendations submitted to it by the other bodies referred to in (b) above, *Reference Methods of Analysis and Sampling* appropriate to Codex Standards which are generally applicable to a number of foods;

(d) to consider, amend, if necessary, and endorse, as appropriate, methods of analysis and sampling proposed by Codex (Commodity) Committees, except that methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of microbiological quality and safety in food, and the assessment of specifications for food additives, do not fall within the terms of reference of this Committee;

(e) to elaborate sampling plans and procedures, as may be required;

(f) to consider specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and

(g) to define procedures, protocols, guidelines, or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The CCMAS is hosted by Hungary. The United States attends CCMAS as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 41st Session of the CCMAS will be discussed during the public meeting:

- Matters referred to the Committee by the Codex Alimentarius Commission and Other Subsidiary Bodies
- Endorsement of Methods of Analysis Provisions and Sampling Plans in Codex Standards
  - Review of Methods of Analysis in Dairy Workable Package
  - Review of Methods of Analysis in Fats and Oils Workable Package
  - Review of Methods of Analysis in Cereals, Pulses, and Legumes Workable Package
- Revision of the Guidelines on Measurement Uncertainty
- Revision of the General Guidelines on Sampling
- Discussion Paper on Criteria to Select Type II Methods from Multiple Type III Methods
- Report of an Inter-Agency Meeting on Methods of Analysis Conference Room Document (CRD)
- Other Business and Future Work

Public Meeting

At the April 13, 2021 public meeting, draft U.S. positions on the agenda items will be discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Gregory Noonan, U.S. Delegate for the 41st Session of the CCMAS (see **ADDRESSES**). Written comments should

state that they relate to the activities of the 41st Session of the CCMAS.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex/,* a link that also offers an email subscription service providing access to information related to Codex. Customers can modify their subscriptions and have the option to password protect their accounts.

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No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on February 3, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–02703 Filed 2–9–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Spices and Culinary Herbs

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on March 29, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 5th Session of the Codex Committee on Spices and Culinary Herbs (CCSCH) of the Codex Alimentarius Commission, which will convene virtually April 26–30, 2021. The U.S. Manager for Codex Alimentarius and the Acting Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 5th Session of the CCSCH and to address items on the agenda.

DATES: The public meeting is scheduled for March 29, 2021 from 1:00 p.m. to 3:00 p.m. EST.

ADDRESSES: The public meeting will take place via Video Teleconference hosted by the U.S. Codex Office. Documents related to the 5th Session of the CCSCH will be accessible via the internet at the following address: *http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCSCH&session=5.*

Mr. Dorian A. LaFond, U.S. Delegate to the 5th Session of the CCSCH, invites U.S. interested parties to submit their comments electronically to the following email address: *dorian.lafond@usda.gov.*

Registration: Attendees may register to attend the virtual public meeting here: *https://www.zoomgov.com/meeting/register/vJIsce2grDIjHgR59gdd1YczP24oxfgwbvQ* or by emailing Ms. Heather Selig (*heather.selig@usda.gov*) by March 15, 2021.

For Further Information about the 5th Session of the CCSCH, contact the U.S. Delegate, Mr. Dorian A. LaFond, International Standards Coordinator for the Agricultural Marketing Service Specialty Crops Program, Specialty Crops Inspection Division at Stop 0247, 1400 Independence Avenue SW, Washington, DC 20250–0247, Tel: 202–690–4944, Cell: 202–577–5583, Fax: 202–720–0016 or Email: *dorian.lafond@usda.gov.*

For Further Information about the Public Meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250, Phone: 202–720–7760, Fax: 202–720–3157, Email: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Spices and Culinary Herbs (CCSCH) are:

(a) To elaborate worldwide standards for spices and culinary herbs in their dried and dehydrated state in whole, ground, and cracked or crushed form; and

(b) To consult, as necessary, with other international organizations in the standards development process to avoid duplication.

The CCSCH is hosted by India. The United States attends CCSCH as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 5th Session of the CCSCH will be discussed during the public meeting:

- Matters Referred by the Codex Alimentarius Commission and its Subsidiary Bodies
- Dried Oregano
  - Draft Standard for Dried Oregano
- Dried Roots, Rhizomes, and Bulbs
  - Draft Standard for Dried or Dehydrated Ginger
- Dried Floral Parts
  - Draft Standard for Dried Cloves
  - Draft Standard for Saffron
- Dried Herbs
  - Draft Standard for Dried Basil
- Dried Fruits and Berries
  - Proposed Draft Standard for Dried Chilli Peppers and Paprika
- Dried Seeds
  - Proposed Draft Standard for Dried Nutmeg
- New Work and Layout for SCH Standards
  - Consideration of the Proposals for New Work
  - Update to the Template for SCH Standards

• Other Business Related to CCSCH

Public Meeting

At the March 29, 2021 public meeting, the draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Mr. Dorian A. LaFond, U.S. Delegate for the 5th Session of the CCSCH (see **ADDRESSES**). Written comments should state that they relate to the activities of the 5th Session of the CCSCH.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *http://www.usda.gov/codex/,* a link that also offers an email subscription service that provides access to information related to Codex. Customers can modify their subscriptions and have the option to password protect their accounts.

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How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on February 3, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021–02701 Filed 2–9–21; 8:45 am]

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COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public briefing, *The Civil Rights Implications of Cash Bail,* notice of Commission business meeting, and call for public comments.

DATES: Friday, February 26, 2021, 10:00 a.m. ET.

ADDRESSES: Virtual Briefing and Business Meeting.

FOR FURTHER INFORMATION CONTACT: Angelia Rorison (202) 376–8359; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: On Friday, February 26, 2021, at 10:00 a.m. Eastern Time, the U.S. Commission on Civil Rights will hold a virtual briefing regarding the state of bail and pretrial detention practices, including the involvement of the private bail industry, various mechanisms for reform, and the potential regulatory role of the federal government. The briefing will examine how cash bail impacts the fair administration of justice and whether it operates in a manner that denies equal protection of the law to individuals on the basis of race or another protected class. At this public briefing, Commissioners will hear from subject matter experts such as government officials, academics, law enforcement professionals, advocates, and impacted persons.

This briefing is open to the public via Weblink. The event will live-stream at *https://www.youtube.com/user/USCCR/videos.* (Streaming information subject to change.) Public participation is available for the event with view access, along with an audio option for listening.

Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, February 26, 2021, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

To request additional accommodations, persons with disabilities should email *access@usccr.gov* by Monday, February 15, 2021 indicating ''accommodations'' in the subject line.

Briefing Agenda for The Civil Rights Implications of Cash Bail: 10:00 a.m.–1:40 p.m. All Times Eastern Time

I. Introductory Remarks: 10:00–10:05 a.m.
II. Panel 1: Foundations: 10:05–11:05 a.m.
III. Break: 11:05–11:20 a.m.
IV. Panel 2: Criminal Justice Stakeholders: 11:20 a.m.–12:20 p.m.
V. Break: 12:20–12:35 p.m.
VI. Panel 3: Reforms: 12:35–1:40 p.m.
VII. Closing Remarks: 1:25–1:30 p.m.
VI. Adjourn Meeting

**Public Comments will be accepted through written testimony.

Schedule is subject to change.

Call for Public Comments

In addition to the testimony collected on Friday, February 26, 2021, via virtual briefing, the Commission welcomes the submission of material for consideration as we prepare our report. Please submit such information to *bailreform@usccr.gov* no later than March 26, 2021, or by mail to OCRE/Public Comments, ATTN: Bail Reform, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425. The Commission encourages the use of email to provide public comments due to the current COVID–19 pandemic.

Dated: February 8, 2021.

Angelia Rorison,

Media and Communications Director, U.S. Commission on Civil Rights.

[FR Doc. 2021–02819 Filed 2–8–21; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A 533–810]

Stainless Steel Bar From India: Notice of Court Decision Not in Harmony With Final Results of Changed Circumstances Review of the Antidumping Duty Order and Notice of Amended Final Results of Review

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

SUMMARY: On January 28, 2021, the U.S. Court of International Trade (the Court) entered final judgment sustaining the final results of remand redetermination pursuant to court order by the U.S. Department of Commerce (Commerce) pertaining to the changed circumstances review of the antidumping duty (AD) order on stainless steel bar (SSB) from India. Commerce is notifying the public that the final judgment in this case is

not in harmony with Commerce's final results in the changed circumstances review of SSB from India, and that Commerce is amending the final results.

DATES: Applicable February 7, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2018, Commerce published its final results of the changed circumstances review of SSB from India.[1] In the *Final Results,* we determined that Venus Wire Industries Pvt. Ltd. and its affiliates Precision Metals, Sieves Manufacturers (India) Pvt. Ltd., and Hindustan Inox Ltd. (collectively, Venus) is not the manufacturer of the stainless steel bar (SSB) that it purchased from unaffiliated suppliers and processed in India prior to exportation to the United States.[2] Because most of the unaffiliated suppliers did not provide their costs, we applied total adverse facts available (AFA) with respect to Venus.[3]

On December 20, 2019, the Court remanded aspects of the *Final Results* to Commerce for further consideration.[4] The Court remanded Commerce's determination in order to explain or reconsider its use of the NWR Test over the substantial transformation test.[5] In this decision, the Court deferred consideration of Venus' arguments regarding ''Commerce's use of total AFA pending Commerce's redetermination on remand.'' [6] In its First Remand Redetermination, issued in March 2020,[7] Commerce provided the explanation sought by the Court.[8]

On August 14, 2020, the Court sustained Commerce's use of the NWR Test but the Court determined that Commerce's use of AFA with respect to Venus to be unsupported by substantial evidence and remanded the *Final Results* a second time.[9] In its second remand redetermination, issued in November 2020, Commerce explained that, although it continues to believe that the use of AFA is appropriate for Venus, it was complying with the Court's opinion by calculating a margin for Venus without the use of AFA under respectful protest.[10] The Court sustained the Second Remand Redetermination in full.[11]

Timken Notice

In its decision in *Timken,*[12] as clarified by *Diamond Sawblades,*[13] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's January 28, 2021, judgment constitutes a final decision of that court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, Commerce will continue suspension of liquidation of subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to Venus. The revised antidumping duty margin for Venus for the period July 1, 2015 through June 30, 2016 is as follows: [14]

Exporter or producer	Weighted-average dumping margin (percent)
Venus	0.64

Because the revised antidumping duty margin for Venus remains above *de minimis,* Venus will remain reinstated in the AD order on SSB from India.[15]

Amended Cash Deposit Rates

Because Venus has been subject to a subsequent administrative review which established a revised cash deposit rate for Venus,[16] Commerce will not issue revised cash deposit instructions to U.S. Customs and Border Protection.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(b), and 777(i)(1) of the Act.

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02725 Filed 2–9–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Stainless Steel Bar from India: Final Results of Changed Circumstances Review and Reinstatement of Certain Companies in the Antidumping Duty Order,* 83 FR 17529 (April 20, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See Final Results* IDM at Comment 1.

[3] *Id.*

[4] *See Venus Wire Industries Pvt. Ltd.* v. *United States,* Court No. 18–00113, Slip Op. 19–170 (December 20, 2019) (*Venus Wire I*).

[5] *Id.,* at 15–21. The ''NWR Test'' refers to the analysis we used to determine whether a respondent was the producer of subject merchandise in *Notice of Final Determination of Sales at Less Than Fair Value: Narrow Woven Ribbons with Woven Selvedge from Taiwan,* 75 FR 41804 (July 19, 2010), and accompanying IDM at Comment 20.

[6] *See Venus Wire I,* Slip. Op. 19–170 at 22.

[7] *See Venus Wire Industries Pvt. Ltd.* v. *United States,* Court No. 18–00113, Slip Op. 19–170, ''Results of Redetermination Pursuant to Court Remand,'' dated March 31, 2020 (First Remand Redetermination).

[8] *Id.* at 44.

[9] *See Venus Wire Industries Pvt. Ltd.* v. *United States,* Court No. 18–00113, Slip Op. 20–118 (August 14, 2020).

[10] *See Venus Wire Industries Pvt. Ltd.* v. *United States,* Court No. 18–00113, Slip Op. 20–118, ''Results of Redetermination Pursuant to Court Remand,'' dated November 9, 2020 (Second Remand Redetermination).

[11] *See Venus Wire Industries Pvt. Ltd.* v. *United States,* Court No. 18–00113, Slip Op. 21–9 (January 28, 2021).

[12] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[13] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[14] *See* Second Remand Redetermination at 10.

[15] *Id.* at 15.

[16] *See, e.g., Stainless Steel Bar from India: Final Results of Antidumping Duty Administrative Review; 2018–2019,* 85 FR 74985 (November 24, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–869]

Passenger Vehicle and Light Truck Tires From Taiwan: Amended Preliminary Determination of Sales at Less Than Fair Value

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

SUMMARY: On January 6, 2021, the Department of Commerce (Commerce) published its preliminary determination in the less-than-fair-value investigation of passenger vehicle and light truck (PVLT) tires from Taiwan in the **Federal Register**. Commerce is amending this preliminary determination to correct a significant ministerial error.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang or Lauren Caserta, AD/CVD Operations, Enforcement and Compliance, International Trade

Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5484 or (202) 482–4737, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 2021, Commerce published in the **Federal Register** the *Preliminary Determination* in the less-than-fair-value investigation of PVLT tires from Taiwan.[1] Commerce disclosed all calculations to interested parties on December 30, 2020. On January 5, 2021, the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (the petitioner) filed timely ministerial error allegations concerning the *Preliminary Determination* for respondents Nankang Rubber Tire Corp. Ltd. (Nankang) and Cheng Shin Rubber Ind. Co. Ltd. (Cheng Shin).[2] Commerce also received ministerial comments filed on behalf of Nankang [3] and Cheng Shin.[4]

Period of Investigation

The period of investigation is April 1, 2019, through March 31, 2020.

Scope of the Investigation

The product covered by this investigation is PVLT tires from Taiwan. For a complete description of the scope of the investigation, *see* the Appendix.

Significant Ministerial Error

In accordance with 19 CFR 351.224(e), Commerce ''will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination . . . .'' A ministerial error is defined in 19 CFR 351.224(f) as ''an error in addition, subtraction, or other arithmetic function clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.'' A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.[5]

Ministerial Error Allegations

The petitioner timely alleged that Commerce made a ministerial error involving one of Nankang's programs but noted that the error was not significant.[6] For Cheng Shin, the petitioner alleged that Commerce made significant ministerial errors regarding Cheng Shin's arm's-length test results and inclusion of Channel 3 sales in the home market sales database.[7] Nankang alleged that Commerce committed a ministerial error by failing to use a home market of ''viable'' size as the basis for normal value.[8] Finally, Cheng Shin alleged that Commerce failed to exclude certain ''out-of-scope'' sales in the dumping margin calculation, did not match similar CONNUMs based on similarity of product characteristics, did not exclude Channel 3 sales from the home market sales database, and failed to deduct certain selling prices in Cheng Shin's margin calculation.[9] After analyzing these allegations, we determine that we made a significant ministerial error in the *Preliminary Determination* with respect to the sales used to calculate Cheng Shin's margin.[10] For a detailed discussion of the aforementioned ministerial error allegations, as well as Commerce's analysis of these comments, *see* the Ministerial Error Memorandum.

Pursuant to 19 CFR 351.224(g)(1), Commerce's error in the application of the arm's-length test for Cheng Shin is significant because its correction results in a change of at least five absolute percentage points in, but not less than 25 percent of, the estimated weighted-average dumping margin calculated in the *Preliminary Determination* (*i.e.,* a change from an estimated weighted-average dumping margin of 52.42 percent to 30.21 percent). Therefore, we are correcting the ministerial error and amending our *Preliminary Determination* accordingly.[11]

Amended Preliminary Determination

We are amending the *Preliminary Determination* to reflect the correction of a significant ministerial error made in the margin calculation for Cheng Shin in accordance with 19 CFR 351.224(e). In addition, because the preliminary all-others rate was based on the estimated weighted-average dumping margin calculated for Cheng Shin, we are also amending the all-others rate. As a result of the correction of the ministerial error, the revised estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Cheng Shin Rubber Ind. Co. Ltd	33.33
All Others	84.83

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 773(d) of the Tariff Act of 1930, as amended (the Act). Because these amended rates result in reduced cash deposit rates, they will be effective retroactively to January 6, 2021, the date of publication of the *Preliminary Determination.*

International Trade Commission Notification

In accordance with section 773(f) of the Act, we intend to notify the International Trade Commission of our amended preliminary determination.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

[1] *See Passenger Vehicle and Light Truck Tires from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 86 FR 508 (January 6, 2021) (*Preliminary Determination*).

[2] *See* Petitioner's Letters, ''Passenger Vehicle and Light Truck Tires from the Republic of Taiwan: Ministerial Error Comments—Nankang Preliminary Margin,'' dated January 5, 2021 (Petitioner's Nankang Ministerial Allegations) and ''Passenger Vehicle and Light Truck Tires from the Republic of Taiwan: Ministerial Error Comments—Cheng Shin Preliminary Margin,'' dated January 5, 2021 (Petitioner's Cheng Shin Ministerial Allegations).

[3] *See* Nankang's Letter, ''Antidumping Investigation of Passenger Vehicle and Light Truck Tires from Taiwan—Comments on Ministerial Error in Preliminary Determination,'' dated January 5, 2021 (Nankang Ministerial Allegations).

[4] *See* Cheng Shin's Letter, ''Passenger Vehicle and Light Truck Tires from Taiwan: Cheng Shin Rubber Ind. Co. Ltd., Significant Ministerial Error Comments,'' dated January 5, 2021 (Cheng Shin Ministerial Allegations).

[5] *See* 19 CFR 351.224(g)(1) and (2).

[6] *See* Petitioner's Nankang Ministerial Allegations at 2.

[7] *See* Petitioner's Cheng Shin Ministerial Allegations at 2–3.

[8] *See* Nankang Ministerial Allegations at 1–4.

[9] *See* Cheng Shin Ministerial Allegations at 2–9.

[10] *See* Memorandum, ''Antidumping Duty Investigation of Passenger Vehicle and Light Truck Tires from Taiwan: Allegations of Significant Ministerial Errors in the Preliminary Determination,'' dated January 29, 2021 (Ministerial Error Memorandum).

[11] *See* Ministerial Error Memorandum.

Notification to Interested Parties

This amended preliminary determination is issued and published in accordance with sections 773(f) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02726 Filed 2–9–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–909]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua DeMoss, AD/CVD Operations Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–3362.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 4, 2020.[1] On November 19, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is now February 3, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public 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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are seamless pipe from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations, the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope). Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.*[4] For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[5] Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

The deadline to submit scope case briefs was established in the Preliminary Scope Decision Memorandum.[6] There will be no further opportunity for comments on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export price in accordance with section 772 of the Act. Commerce has calculated normal value in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for ILJIN, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for ILJIN is the margin preliminarily assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

[1] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 47176 (August 4, 2020) (*Initiation Notice*).

[2] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea, the Russian Federation, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 85 FR 73687 (November 19, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Initiation Notice.*

[5] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,'' dated January 13, 2021 (Preliminary Scope Decision Memorandum).

[6] Case briefs, other written comments, and rebuttal briefs submitted in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum; and ''Public Comment'' section of this notice. The deadline for case briefs on scope-related issues is no later than 30 days after the issuance of Preliminary Scope Decision Memorandum.

Exporter/producer	Estimated weighted-average dumping margin (percent)
ILJIN Steel Corporation	4.52
All Others	4.52

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit for estimated antidumping duties equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be submitted no later than seven days after the deadline date for case briefs.[7] Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by the exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 8, 2021, pursuant to 19 CFR 351.210(e), ILJIN requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[9] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of our affirmative preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Extension of Temporary Rule*).

[8] *See Extension of Temporary Rule.*

[9] *See* ILJIN's Letter, ''Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea: Request to Extend the Deadline for the Final Determination,'' dated January 8, 2021.

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal outside diameter, regardless of wall-thickness, manufacturing process (*e.g.,* hot finished or cold-drawn), end finish (*e.g.,* plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (*e.g.,* bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or ''hollow profiles'' suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials (ASTM) or American Petroleum Institute (API) specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, ASTM A–1024, and the API 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A–822 standard; (2) all pipes meeting the chemical requirements of ASTM A–335, whether finished or unfinished; and (3) unattached couplings. Also excluded from the scope of the investigation are (1) all mechanical, boiler, condenser and heat exchange tubing, except when such products conform to the dimensional requirements, *i.e.,* outside diameter and wall thickness, of ASTM A53, ASTM A–106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A–335 regardless of their conformity to the dimensional requirements of ASTM A–53, ASTM A–106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550–75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7304.19.1020, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5020, 7304.19.5050, 7304.31.6050, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.51.5005, 7304.51.5060, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02748 Filed 2–9–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–819]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Ukraine: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from Ukraine is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, 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) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 4, 2020.[1] On November 19, 2020, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now February 3, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are seamless pipe from Ukraine. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations, the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.*[5] For a summary of the product coverage comments and rebuttal responses submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6]

[1] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Initiation of Less-Than-Fair Value Investigations,* 85 FR 47176 (August 4, 2020) (*Initiation Notice*).

[2] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Republic of Korea, the Russian Federation, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 85 FR 73687 (November 19, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Seamless

Continued

Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

The deadline to submit scope case briefs was established in the Preliminary Scope Decision Memorandum.[7] There will be no further opportunity for comments on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce calculated constructed export prices in accordance with section 772(b) of the Act. Commerce calculated normal value in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Section 733(d)(1)(A)(ii) of the Act provides that in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* dumping margins, and any dumping margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for the collapsed entity Interpipe Ukraine LLC, PJSC Interpipe Niznedneprovksy Tube Rolling Plant, and LLC Interpipe Niko Tube (collectively Interpipe),[8] the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Interpipe is the dumping margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Interpipe Ukraine LLC/PJSC Interpipe Niznedneprovksy Tube Rolling Plant/LLC Interpipe Niko Tube	41.23
All Others	41.23

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed in the table above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not the respondent identified in the table above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of a timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be submitted no later than seven days after the deadline for case briefs. Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of hearing participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and time of the hearing two days before the scheduled hearing date.

Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,'' dated January 13, 2021 (Preliminary Scope Decision Memorandum).

[7] Case briefs, other written comments, and rebuttal briefs submitted in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum; and ''Public Comment'' section of this notice. The deadline for case briefs on scope-related issues is no later than 30 days after the issuance of Preliminary Scope Decision Memorandum.

[8] *See* Preliminary Decision Memorandum.

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by the exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 11, 2021, pursuant to 19 CFR 351.210(e), Interpipe requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of seamless pipe from Ukraine are materially injuring, or threaten material injury to, the U.S. industry.

[10] *See* Interpipe's Letter, ''Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Ukraine: Request for Postponement of the Final Determination and to Extend the Provisional Measures Period,'' dated January 11, 2021.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I—Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal outside diameter, regardless of wall-thickness, manufacturing process (*e.g.,* hot finished or cold-drawn), end finish (*e.g.,* plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (*e.g.,* bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or ''hollow profiles'' suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials (ASTM) or American Petroleum Institute (API) specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, ASTM A–1024, and the API 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A–822 standard; (2) all pipes meeting the chemical requirements of ASTM A–335, whether finished or unfinished; and (3) unattached couplings. Also excluded from the scope of the investigation are (1) all mechanical, boiler, condenser and heat exchange tubing, except when such products conform to the dimensional requirements, *i.e.,* outside diameter and wall thickness, of ASTM A53, ASTM A–106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A–335 regardless of their conformity to the dimensional requirements of ASTM A–53, ASTM A–106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550–75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7304.19.1020, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5020, 7304.19.5050, 7304.31.6050, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.51.5005, 7304.51.5060, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02750 Filed 2–9–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–826]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Russian Federation: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Russian Federation (Russia) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019, through June 30, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks, 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) 482–2670.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b)

of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on August 4, 2020.[1] On November 19, 2020, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now February 3, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are seamless pipe from Russia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations, the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.*[5] For a summary of the product coverage comments and rebuttal responses submitted to the record for this investigation, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Scope Decision Memorandum.[6] Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* the revised scope in Appendix I to this notice.

The deadline to submit scope case briefs was established in the Preliminary Scope Decision Memorandum.[7] There will be no further opportunity for comments on scope-related issues.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Section 733(d)(1)(A)(ii) of the Act provides that in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. Pursuant to section 735(c)(5)(A) of the Act, this rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for PAO TMK and Volzhsky Pipe Plant (collectively, TMK), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for TMK is the dumping margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
PAO TMK/Volzhsky Pipe Plant Joint Stock Company[8]	209.72
All Others	209.72

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.

Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed in the table above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified in the table above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

[1] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Initiation of Less-Than-Fair Value Investigations,* 85 FR 47176 (August 4, 2020) (*Initiation Notice*).

[2] *See Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Republic of Korea, the Russian Federation, and Ukraine: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 85 FR 73687 (November 19, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Russia,'' dated concurrently with, and hereby adopted by, this notice.

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Memorandum, ''Antidumping and Countervailing Duty Investigations of Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic, the Republic of Korea, the Russian Federation, and Ukraine: Preliminary Scope Decision Memorandum,'' dated January 13, 2021 (Preliminary Scope Decision Memorandum).

[7] Case briefs, other written comments, and rebuttal briefs submitted in response to this preliminary LTFV determination should not include scope-related issues. *See* Preliminary Scope Decision Memorandum; and ''Public Comment'' section of this notice.

[8] Commerce has preliminarily determined that the following affiliated companies constitute a single entity: PAO TMK, Volzhsky Pipe Plant Joint Stock Company, Taganrog Metallurgical Plant Joint Stock Company, Sinarsky Pipe Plant Joint Stock Company, and Seversky Pipe Plant Joint Stock Company. *See* Preliminary Decision Memorandum.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties will be notified of a timeline for the submission of such case briefs and written comments at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be submitted no later than seven days after the deadline for case briefs. Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of hearing participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and time of the hearing two days before the scheduled hearing date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by the exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 5, 2021, pursuant to 19 CFR 351.210(e), TMK requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, then the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of seamless pipe from Russia are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 3, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The merchandise covered by the scope of this investigation is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal outside diameter, regardless of wall-thickness, manufacturing process (*e.g.,* hot finished or cold-drawn), end finish (*e.g.,* plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (*e.g.,* bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or ''hollow profiles'' suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials (ASTM) or American Petroleum Institute (API) specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, ASTM A–1024, and the API 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of the investigation are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A–822 standard; (2) all pipes meeting the chemical requirements of ASTM A–335, whether finished or unfinished; and (3) unattached couplings. Also excluded from the scope of the investigation are (1) all mechanical, boiler, condenser and heat exchange tubing, except when such products conform to the dimensional requirements, *i.e.,* outside diameter and wall thickness, of ASTM A–53, ASTM A–106 or API 51 specifications. Also excluded from the scope of the investigation are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A–335 regardless of their conformity to the dimensional requirements of ASTM A–53, ASTM A–106 or API 5L; and (3) the exclusion for ASTM A–335 applies to pipes meeting the comparable specifications GOST 550–75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7304.19.1020, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5020, 7304.19.5050, 7304.31.6050, 7304.39.0016, 7304.39.0020, 7304.39.0024,

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

[10] *See* TMK's Letter, ''Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe (''SSLP Pipe'') from Russia: Request to Postpone the Final Determination,'' dated January 5, 2021.

7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.51.5005, 7304.51.5060, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02749 Filed 2–9–21; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2020–0044]

Development of a National Consumer Awareness Campaign on Combating the Trafficking in Counterfeit and Pirated Products

AGENCY: The United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments; reopening of comment period.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) published a request for comments in the **Federal Register** on November 17, 2020, seeking information from stakeholders, including, but not limited to, intellectual property rights holders, online third-party marketplaces, third-party intermediaries, other private sector stakeholders, other entities with experience in public-private awareness campaigns, and applicable government agencies on the ''Development of a National Consumer Awareness Campaign on Combating the Trafficking in Counterfeit and Pirated Products'' as a public-private partnership. Through this notice, the USPTO is reopening the period for public comment until March 12, 2021.

DATES: *Comment date:* Written comments must be received on or before March 12, 2021.

ADDRESSES: You may submit comments and responses to the questions below by one of the following methods:

(a) *Electronic Submissions:* Submit all electronic comments via the Federal e-Rulemaking Portal at *www.regulations.gov* (at the homepage, enter ''PTO–C–2020–0044'' in the ''Search'' box, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments). The materials in the docket will not be edited to remove identifying or contact information, and the USPTO cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF formats only. Comments containing references to studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Please do not submit additional materials. If you want to submit a comment with business confidential information that you do not wish to be made public, submit the comment as a written/paper submission in the manner detailed below.

(b) *Written/Paper Submissions:* Send all written/paper submissions to: United States Patent and Trademark Office, Mail Stop OPIA, P.O. Box 1450, Alexandria, Virginia 22314. Submission packaging should clearly indicate that materials are responsive to Docket No. PTO–C–2020–0044, Office of Policy and International Affairs, Comment Request; Development of a National Consumer Awareness Campaign on Combating the Trafficking in Counterfeit and Pirated Products.

Submissions of Business Confidential Information: Any submissions containing business confidential information must be delivered in a sealed envelope marked ''confidential treatment requested'' to the address listed above. Submitters should provide an index listing the document(s) or information they would like the USPTO to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document. Submitters should provide a statement explaining their grounds for objecting to the disclosure of the information to the public as well. The USPTO also requests that submitters of business confidential information include a non-confidential version (either redacted or summarized) of those confidential submissions that will be available for public viewing and posted on *www.regulations.gov.* In the event that the submitter cannot provide a non-confidential version of its submission, the USPTO requests that the submitter post a notice in the docket stating that it has provided the USPTO with business confidential information. Should a submitter fail to either docket a non-confidential version of its submission or post a notice that business confidential information has been provided, the USPTO will note the receipt of the submission on the docket with the submitter's organization or name (to the degree permitted by law) and the date of submission.

FOR FURTHER INFORMATION CONTACT: Charisma Hampton, USPTO, Office of Policy and International Affairs, at *charisma.hampton@uspto.gov.* Please direct media inquiries to the Office of the Chief Communications Officer, USPTO, at 571–272–8400.

Request for Information: On November 17, 2020, the USPTO published a notice in the **Federal Register** requesting public input on the establishment of a national consumer awareness campaign designed to educate consumers on the direct and indirect costs and risks of counterfeit and pirated goods. *See* Request for Comments on the Development of a National Consumer Awareness Campaign on Combating the Trafficking in Counterfeit and Pirated Products, 85 FR 73264 (Nov. 17, 2020). In that notice, the USPTO requested information from interested stakeholders, including, but not limited to, intellectual property rights holders affected by the sale of counterfeit goods offered through e-commerce platforms, online third-party marketplaces, third-party intermediaries, other private sector stakeholders, other entities with experience in public-private awareness campaigns, and applicable government agencies, in accordance with the call to action in the Department of Homeland Security's January 24, 2020, Report to the President of the United States titled ''Combating Trafficking in Counterfeit and Pirated Goods.''

To assist in gathering public input, the USPTO published questions and sought all input relevant to the development of guidelines, action plans, strategies, and best practices for establishing a public-private national consumer awareness campaign designed to educate consumers on the direct and indirect costs and risks of counterfeit and pirated goods.

Specifically, in that earlier notice, the USPTO sought the following types of information utilized or under

development by any public or private entity:

(1) Educational curricula identifying direct and indirect harms associated with sales of counterfeit and pirated products
(2) Strategies to ensure consumers make informed purchasing decisions
(3) Public service announcements targeted to social media users
(4) Methods to identify false and misleading information on e-commerce pages
(5) Alerts for high-risk products and automated warnings describing health impacts
(6) ''Red flag'' indicators for suspicious listings on e-commerce platforms
(7) Incentives to empower consumers to participate in monitoring, detecting, and informing platforms and users of counterfeits

The notice requested public comments on or before January 4, 2021.

Through this notice, the USPTO is reopening the period for public comment until March 12, 2021, to give interested members of the public additional time to submit comments and provide information on the same topics. All other information and instructions to commenters provided in the November 17, 2020, notice remain unchanged. Previously submitted comments do not need to be resubmitted.

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021–02724 Filed 2–9–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0019]

Agency Information Collection Activities; Comment Request; 2022 School Survey on Crime and Safety (SSOCS:2022)

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before April 12, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2021–SCC–0019. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2022 School Survey on Crime and Safety (SSOCS:2022).

OMB Control Number: 1850–0761.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 11,623.

Total Estimated Number of Annual Burden Hours: 4,907.

Abstract: The School Survey on Crime and Safety (SSOCS) is a nationally representative survey of elementary and secondary school principals that serves as the primary source of school-level data on crime and safety in public schools, and was conducted in 2000, 2004, 2006, 2008, 2010, 2016, 2018, and 2020 (OMB #1850–0761). Four years separated the first two collections of SSOCS to allow for sufficient time to study the results of the first survey and to allow for necessary redesign work; the next three collections were conducted at 2-year intervals. Due to a reorganization of the sponsoring agency (the Office of Safe and Drug-Free Schools) and funding issues, the 2012 administration of SSOCS, although approved by OMB, was not fielded. With new funding available through the National Institute of Justice (NIJ), SSOCS was conducted again in the spring of the 2015–16 school year. With continued dedicated funding, SSOCS has resumed collection on a biennial basis, with collections during the spring of the 2017–18 and the 2019–20 school years, and the next planned collection during the spring of the 2021–22 school year. SSOCS is a survey of public schools covering the topic of school crime and violence and is designed to produce nationally representative data on public schools. Historically, it has been conducted by mail, with telephone and email follow-up; however, as an experiment, an internet version was fielded during the SSOCS:2018 administration. For SSOCS:2020, the internet version was initially offered to all respondents, with the paper version sent via mail as a follow-up, and the same methodology will be used for SSOCS:2022. The respondent is the school principal, or a member of the school staff designated by the principal as the person ''the most knowledgeable about school crime and policies to provide a safe environment.''

The 2022 survey is being funded by the U.S. Department of Education's Office of Safe and Supportive Schools (previously known as the Office of Safe and Healthy Students) and conducted

by the National Center for Education Statistics (NCES) of the Institute of Education Sciences (IES), within the U.S. Department of Education. As with prior SSOCS collections, NCES has entered into an interagency agreement with the Census Bureau to administer the 2022 collection.

This request is to conduct the 2022 administration of the School Survey on Crime and Safety (SSOCS). As part of SSOCS:2022 development, cognitive testing on new COVID–19 pandemic items will be conducted during the winter and spring of 2021, scheduled to be completed in late-spring 2021. The wording and design of these items may be modified in response to the findings of this testing and, as such, will be updated in a change request, tentatively scheduled for October 2021.

Dated: February 4, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–02686 Filed 2–9–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0143]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Study of Financial Aid Supports for GEAR UP Students

AGENCY: Institute of Educational Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before March 12, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Daphne Garcia, 202–245–6592.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Study of Financial Aid Supports for GEAR UP Students.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Tribal, and Local Governments *Total Estimated Number of Annual Responses:* 42.

Total Estimated Number of Annual Burden Hours: 95.

Abstract: This is a congressionally-mandated evaluation of the scholarship component of the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program. Established in the 1998 Higher Education Act (HEA), GEAR UP provides competitive, multi-year grants to states and local partnerships to prepare students attending high-poverty middle and high schools for college enrollment and success. State grantees must use at least half of their funds to provide college scholarships to GEAR UP students unless they receive a waiver from the U.S. Department of Education (ED).

How GEAR UP grantees provide scholarships to support students' enrollment and persistence in college is of interest for several reasons. First, this component distinguishes GEAR UP from other federal college access programs that serve primarily low-income students or those from high need schools. Second, the 2008 HEA reauthorization gave state grantees flexibility in how they implement and fund the scholarships. While program statute requires states to set aside at least half of their GEAR UP funds to provide scholarships (states that do are referred to as ''set-aside states''), states may be granted a waiver to devote all of their GEAR UP funds to other activities (referred to as ''waiver states'') if they can ensure that GEAR UP students have access to alternative scholarship funds—such as those that are state-funded. The reauthorization also changed other aspects of the scholarship component, such as the minimum amount and which students must be eligible to receive this financial aid.

Little information is available about how states are carrying out these requirements or the challenges they face in administering this part of the GEAR UP program. The data collection for this study will examine the scholarship practices of all states that received a GEAR UP grant since fiscal year 2011, the first year the scholarship changes went into effect. ED plans to use the study results to inform program improvement, both current efforts and in the future through the upcoming reauthorization of the HEA.

Dated: February 4, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–02685 Filed 2–9–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1036–000]

Griddy Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Griddy Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 24, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: February 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02730 Filed 2–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited: None		
Exempt:		
1. CP17–458–000	10–7–2020	U.S. Representative Tom Cole.
2. CP17–458–000	10–8–2020	U.S. Representative Tom Cole.
3. CP17–458–000	10–8–2020	U.S. Representative Tom Cole.
4. CP17–458–000	10–8–2020	U.S. Representative Tom Cole.
5. CP17–458–000	10–8–2020	U.S. Representative Tom Cole.
6. CP17–458–000	10–8–2020	U.S. Representative Tom Cole.

Dated: February 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02729 Filed 2–9–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2265–018; ER10–1581–024; ER10–2783–016; ER10–2784–016; ER10–2969–016; ER11–1846–009; ER11–1847–009; ER11–1850–009; ER11–2062–026; ER11–2175–004; ER11–2176–003; ER11–2598–012; ER11–3188–004; ER11–3418–006; ER11–4307–027; ER11–4308–027; ER12–224–005; ER12–225–005; ER12–2301–004; ER12–261–026; ER13–1192–006; ER17–764–004; ER17–765–004; ER17–767–004.

Applicants: NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Direct Energy Marketing Inc., Direct Energy Services, LLC, Energy Plus Holdings LLC, Gateway Energy Services Corporation, Green Mountain Energy Company, Independence Energy Group LLC, Long Beach Peakers LLC, Oswego Harbor Power LLC, Reliant Energy Northeast LLC, SGE Energy Sourcing, LLC, Stream Energy Columbia, LLC, Stream Energy Delaware, LLC, Stream Energy Illinois, LLC, Stream Energy Maryland, LLC, Stream Energy New Jersey, LLC, Stream Energy New York, LLC, Stream Ohio Gas & Electric, LLC, XOOM Energy, LLC, Stream Energy Pennsylvania, LLC.

Description: Notice of Change in Status of NRG Power Marketing LLC, et al.

Filed Date: 2/3/21.

Accession Number: 20210203–5168.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–736–001.

Applicants: RE Slate 1 LLC.

Description: Tariff Amendment: Supplement to Petition for Market-Based Rate Authority to be effective 1/25/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5079.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–908–000.

Applicants: Western Aeon Energy Trading LLC.

Description: Amendment to January 15, 2021 Western Aeon Energy Trading LLC tariff filing.

Filed Date: 2/3/21.

Accession Number: 20210203–5160.

Comments Due: 5 p.m. ET 2/24/21.

Docket Numbers: ER21–1042–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–02–04_SA 2988 MidAmerican-MidAmerican 3rd Rev GIA (J500) to be effective 1/22/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5029.

Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1043–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Cancel DSA & IFA Alta Mesa Power Partners, LLC SA No. 28 & 29 WDT042 to be effective 4/6/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5070.

Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1044–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Tri-State Rate Schedule FERC No. 252 to be effective 11/24/2020.

Filed Date: 2/4/21.

Accession Number: 20210204–5122.

Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1045–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 5887; Queue No. AF2–045 to be effective 1/5/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5123.

Comments Due: 5 p.m. ET 2/25/21.

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: February 4, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02732 Filed 2–9–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2020–0077; FRL–10019–74]

Certain New Chemicals; Receipt and Status Information for December 2020

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from 12/01/2020 to 12/31/2020.

DATES: Comments identified by the specific case number provided in this document must be received on or before March 12, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0077, and the specific case number for the chemical substance related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket,

along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Project Management and Operations Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

What action is the Agency taking?

This document provides the receipt and status reports for the period from 12/01/2020 to 12/31/2020. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

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

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs that have passed an initial screening by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices screened by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an

initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.,* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 12/01/2020 TO 12/31/2020

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
J–21–0002	2	12/02/2020	CBI	(G) Ethanol production	(G) Saccharomyces cerevisiae modified.
J–21–0003	2	12/02/2020	CBI	(G) Ethanol production	(G) Saccharomyces cerevisiae modified.
P–17–0263A	5	12/09/2020	CBI	(G) Most paint formulators will add less than 5% of Borchi Gel NA that contains 50% of the PMN substance to make their formulated product volume. (*i.e.,* 10-gallon batch would contain 0.5 gallon of our product (0.25gal of PMN substance).	(G) Zirconium carboxylates sodium complexes.
P–18–0057A	15	12/08/2020	CBI	(S) a drier accelerator that is used for superior drying performance in solvent-borne and waterborne air-dried paints, inks and coatings.	(G) Vanadium Carboxylate.
P–19–0165A	4	12/16/2020	Arboris, LLC	(G) Plasticizer in rubber, Additive for asphalt	(G) Tall oil pitch, fraction, sterol-low.
P–20–0058A	4	12/01/2020	CBI	(G) Additive for automatic dishwashing, Additive for hard surface cleaner.	(G) Polysaccharide, polymer with unsaturated carboxylic acid and methacryloxyethyltrimethyl ammonium chloride, sodium salt, acid salt initiated.
P–20–0058A	5	12/08/2020	CBI	(G) Additive for automatic dishwashing, Additive for hard surface cleaner.	(G) Polysaccharide, polymer with unsaturated carboxylic acid and methacryloxyethyltrimethyl ammonium chloride, sodium salt, acid salt initiated.
P–20–0078A	3	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine alkyldioate alkyldioate (1:2:1:1).
P–20–0078A	4	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine alkyldioate alkyldioate (1:2:1:1).
P–20–0078A	5	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine alkyldioate alkyldioate (1:2:1:1).
P–20–0079A	3	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine (3:2).
P–20–0079A	4	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine (3:2).
P–20–0079A	5	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Dicarboxylic acid, compd. with aminoalkyl-alkyldiamine (3:2).
P–20–0080A	6	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, hydrochloride (1:3).
P–20–0080A	7	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, hydrochloride (1:3).
P–20–0081A	6	12/28/2020	Ascend Performance Materials.	(G) A stabilizer for industrial applications	(G) Carboxylic acid, compd. with aminoalkyl-alkyldiamine (3:1).
P–20–0081A	7	12/28/2020	Ascend Performance Materials.	(G) A stabilizer for industrial applications	(G) Carboxylic acid, compd. with aminoalkyl-alkyldiamine (3:1).
P–20–0082A	6	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, carboxylate (1:3).
P–20–0082A	7	12/28/2020	Ascend Performance Materials.	(G) Stabilizer for industrial applications	(G) Alkyldiamine, aminoalkyl-, carboxylate (1:3).
P–20–0128A	2	12/16/2020	CBI	(G) Additive in Household consumer products	(S) 2-Oxiraneacetic acid, 3-ethyl-, 1-(3,3 dimethylcyclohexyl)ethyl ester.
P–20–0169A	4	11/30/2020	CBI	(G) Battery Plastics and coatings applications, Conductive agent for conductive plastic and paint.	(S) multiwalled carbon nanotube.
P–20–0173A	2	12/07/2020	ICM Products Inc	(G) Use as a Coating Additive	(G) Silsesquioxanes, alkyl, alkoxy- and hydroxy-terminated.
P–20–0180A	2	12/09/2020	Evonik Degussa Corporation.	(S) Curing agent for Industrial epoxy Composite	(S) Cyclohexanemethanamine,5-amino-1,3,3-trimethy-, N-sec-Bu dervis.
P–21–0010	3	12/16/2020	Evonik Degussa Corporation.	(S) 3D Printing	(S) 1,3-Benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, 1,2-ethanediol, 2-ethyl-2-(hydroxymethyl)- 1,3-propanediol, hexanedioic acid, 1,6-hexanediol and 1,3-isobenzofurandione, N-[[1,3,3-trimethyl-5-[[[2-[(1-oxo-2- propen-1-yl) oxy]ethoxy]carbonyl]amino]cyclohexyl]methyl] carbamate N-[3,3,5-trimethyl-5-[[[[2-[(1-oxo-2-propen-1- yl)oxy]ethoxy]carbonyl]amino]methyl]cyclohexyl]carbamate.

TABLE I—PMN/SNUN/MCANS APPROVED * FROM 12/01/2020 TO 12/31/2020—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–21–0021	4	12/16/2020	J6 Polymers	(S) Raw material to be blending into R-side components of the polyurethane and polyisocyanurate industry. Specifically used in slabstock/bunstock processing of foam.	(S) Soybean oil, mixed esters with diethylene glycol, phthalic acid and terephthalic acid.
P–21–0024	2	12/07/2020	CBI	(G) lamination catalyst	(G) Sulfur acid, compd. with bis-alkanolamine (1:1).
P–21–0025	2	12/07/2020	CBI	(G) lamination catalyst	(G) Sulfur acid, compd. with bis-alkanolamine (1:1).
P–21–0026	2	12/07/2020	CBI	(G) lamination catalyst	(G) Sulfur acid, compd. with bis-alkanolamine (1:1).
P–21–0031	2	12/10/2020	Omnium International.	(S) Used as a component in a mineral oil based anticorrosion oil. Two applications for the anticorrosion oil are for use in cavities, interiors and closed systems and for protection of large metal parts against corrosion.	(S) Isooctadecanoic acid, compd. with N-cyclohexylcyclohexanamine (1:1).
P–21–0037	1	12/11/2020	Sinova Specialties, Inc.	(S) Used as a viscosity modifier in commercial and consumer engine oil.	(S) [1,1′-Biphenyl]-3,3′,4,4′-tetracarboxamide, N3,N3′,N4,N4′-tetraoctyl.
P–21–0038	1	12/11/2020	Sinova Specialties, Inc.	(S) Used as a viscosity modifier in commercial and consumer engine oil.	(S) [1,1′-Biphenyl]-3,3′,4,4′-tetracarboxamide, N3, N3′, N4, N4′-tetradodecyl-.
P–21–0039	1	12/11/2020	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1, N2, N4, N5-tetrahexyl-.
P–21–0040	1	12/11/2020	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1,N2,N4,N5-tetraoctyl-.
P–21–0041	1	12/11/2020	Sinova Specialties, Inc.	(S) Part of a series of chemicals used as viscosity modifiers in commercial and consumer engine oil.	(S) 1,2,4,5-Benzenetetracarboxamide, N1,N2,N4,N5-tetradodecyl-.
P–21–0042	1	12/15/2020	CBI	(G) Photolithography	(G) Sulfonium, tricarbocyclic-, 2-heteroatom-substituted-4-(alkyl)carbomonocyclic carboxylate (1:1).
P–21–0043	1	12/16/2020	Advanced Polymer Coatings.	(S) Component in protective coatings that provides chemical resistance.	(G) Glycidyl ether of (formaldehyde, polymer with mixed phenols).
P–21–0044	1	12/17/2020	CBI	(G) Monomer	(G) Alkenoic acid, polyhaloalkyl ester.
P–21–0045	1	12/17/2020	CBI	(G) Monomer	(G) Alkenoic acid, alkyl-substituted, polyhaloalkyl ester.
P–21–0046	1	12/17/2020	CBI	(G) Monomer	(G) Alkanoic acid, polyhalo-, halo-oxo-alkenyl-oxo-alkyl ester.
P–21–0047	1	12/17/2020	CBI	(G) Monomer	(G) Alkenoic acid, halo-substituted-polyhalo-alkyl ester.
P–21–0049	1	12/18/2020	CBI	(G) Monomer	(G) Alkanoic acid, polyhalo-(halo-oxo-alkenyl)oxyalkyl ester.
P–21–0050	1	12/18/2020	CBI	(G) Monomer	(G) Alkenoic acid, halo-polylhaloalkyl ester.
SN–20–0006A	3	12/18/2020	CBI	(G) Color Developer	(S) Phenol, 4,4′-[1-[4-[1-(4-hydroxyphenyl)-1-methylethyl]phenyl]ethylidene]bis-.
SN–21–0001	1	12/07/2020	CBI	(S) Chelating agent for use in hard surface cleaning (and disinfection), Chelating agent for use in laundry detergent.	(S) Glycine, N-(carboxymethyl)-N-[2-[(carboxymethyl)amino]ethyl]-, sodium salt (1:3).
SN–21–0001A	2	12/14/2020	CBI	(S) Chelating agent for use in hard surface cleaning (and disinfection), Chelating agent for use in laundry detergent.	(S) Glycine, N-(carboxymethyl)-N-[2-[(carboxymethyl)amino]ethyl]-, sodium salt (1:3).

*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90-day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS APPROVED * FROM 12/01/2020 TO 12/31/2020

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J–20–0008	12/08/2020	11/19/2020	N	(G) Biofuel producing saccharomyces cerevisiae modified, genetically stable.
P–11–0386	12/23/2020	12/04/2020	N	(S) Nonanoic acid, ammonium salt.
P–14–0412	12/11/2020	12/03/2020	N	(G) Akyl diol, polymer with alkyldiisocycanate,.alpha-hydro-.omega. hydroxypoly(oxy-alkyldiyl), alkyloxirane, oxirane either with diol.
P–17–0086A	12/10/2020	07/31/2020	Withdrew CBI claim.	(S) Cyclohexane, 1,4-bis(ethoxymethyl)-, trans-.

TABLE II—NOCS APPROVED * FROM 12/01/2020 TO 12/31/2020—Continued

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–18–0318	11/30/2020	11/10/2020	N	(S) 1-octadecanaminium, n,n-dimethyl-n-[3-(triethoxysilyl)propyl]-, chloride (1:1).
P–19–0062	12/18/2020	12/15/2020	N	(S) 1-propene, 1-chloro-2,3,3-trifluoro-, (1e)-.
P–19–0082	12/01/2020	12/01/2020	N	(S) Heptanal, 6-hydroxy-2,6-dimethyl-.
P–20–0008	12/11/2020	11/13/2020	N	(G) 7-heteropolycyclicsulfonic acid, 2-[4-[2-[1-[[(2-methoxy-5-methyl-4-sulfophenyl)amino]carbonyl]-2-oxopropyl]diazenyl]phenyl]-6-methyl-, compd. with (alkylamino)alkanol and (hydroxyalkyl)amine.
P–20–0046	12/02/2020	10/31/2020	N	(G) Reaction products of alkyl-terminated alkylalumuminoxanes and {[(pentaalkylphenyl-(pentaalkylphenyl)amino)alkyl]alkanediaminato} bis(aralkyl) transition metal coordination compound.
P–20–0048	12/02/2020	10/31/2020	N	(G) Aluminoxanes, me, me group-terminated, reaction products with bis[(1,2,3,4,5, eta)-1-butyl-2,4-cyclopentadien-1-yl]dichlorozirconium.
P–20–0102	12/22/2020	12/17/2020	N	(S) Coal, brown, ammoxidized.
P–20–0143	12/15/2020	11/01/2020	N	(S) Cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-, polymer with alpha-hydro-omega-hydroxypoly(oxy-1,4-butanediyl), 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, and 1,1′-methylenebis[4-isocyanatobenzene].
P–20–0146	12/04/2020	11/12/2020	N	(G) Alkanoic acid, alkyl, carbopolycyclic alkyl ester.

* The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time-period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 12/01/2020 TO 12/31/2020

Case No.	Received date	Type of test information	Chemical substance
P–13–0679 ..	12/08/2020	Annual Report of Impurities	(G) Fluoroalkyl acrylate copolymer.
P–16–0543 ..	12/18/2020	Exposure Monitoring Report November 2020	(G) Halogenophosphoric acid metal salt.
P–16–0543 ..	12/17/2020	Exposure Monitoring Report October 2020	(G) Halogenophosphoric acid metal salt.
P–21–0018 ..	12/04/2020	Phototransformation of chemicals in Water—Direct Photolysis (OECD Test Guideline 316).	(G) Sulfonium, triphenyl-, heterocyclic compound-carboxylate (1:1).

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 14, 2021.

Pamela Myrick,

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021–02728 Filed 2–9–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0060; FRL–10016–15]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel certain pesticide product registrations and to amend certain product registrations to terminate uses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled and uses terminated only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before March 12, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2020–0060, by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/

DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products and amend product registrations to terminate certain uses registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–3 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling and amending the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
106–44	106	Brulin CDQ	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
228–688	228	NuFarm Chlormequat Pro Plant Growth Regulator (Active); NuFarm Chlormequat SPC Plant Growth (Alternate).	Chlormequat chloride.
241–260	241	Amdro Granular Insecticide	Hydramethylnon.
241–261	241	Amdro 20 Fireant Insecticide	Hydramethylnon.
241–371	241	Sensible Termiticide Bait	Hydramethylnon.
279–3615	279	F4189–1	Thiamethoxam; Metalaxyl-M; Difenoconazole; Tebuconazole & Thiophanate-methyl.
352–832	352	Dupont DPX–B2856 3.0 Herbicide	Glyphosate-isopropylammonium.
499–530	499	TC–250	Hydramethylnon.
1007–99	1007	Nolvasan Solution	Chlorhexidine diacetate.
1007–100	1007	Fort Dodge Nolvasan S (Active); Nolvasan S (Alternate).	Chlorhexidine diacetate.
1007–101	1007	Chlorhexidine Diacetate	Chlorhexidine diacetate.
1043–87	1043	Vesphene II Se	4-tert-Amylphenol & o-Phenylphenol (NO INERT USE).
1043–91	1043	LPH Master Product	4-tert-Amylphenol & o-Phenylphenol (NO INERT USE).
1043–92	1043	LPH SE	4-tert-Amylphenol & o-Phenylphenol (NO INERT USE).
1258–997	1258	Pace Pool Chlorinating Type E Cartridge	Trichloro-s-triazinetrione.
1258–1083	1258	Constant Chlor Universal Refillable Cartridge for Floaters and Feeder.	Trichloro-s-triazinetrione.
1258–1133	1258	Pace Disposable Floating Cartridge	Trichloro-s-triazinetrione.
1258–1271	1258	Pool Breeze Pool Care System 3" Chlorinating Tablets.	Trichloro-s-triazinetrione.
1258–1282	1258	Pool Breeze Pool Care System 1" Chlorinating Tablets.	Trichloro-s-triazinetrione.
1381–213	1381	Daze 50WP	Thidiazuron.
1448–428	1448	GBCH	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredients
2693–46	2693	Mil-P–15931B Formula 121/63 Antifouling Paint Vinyl Red.	Cuprous oxide.
2693–56	2693	Mil-P–16189B Formula 129/63 Antifouling Paint, Vinyl Black.	Cuprous oxide.
6836–202	6836	Barquat MM–45	Alkyl* dimethyl benzyl ammonium chloride *(100% C14).
7364–43	7364	Chlorination Tablets Float Canister	Trichloro-s-triazinetrione.
7364–44	7364	Tabex Chlorination Tablets Feeder Canister	Trichloro-s-triazinetrione.
7364–49	7364	Tabex Replacement Chlorinating Canister	Trichloro-s-triazinetrione.
9688–286	9688	Chemsico Brush Killer Concentrate II	2,4-D, 2-ethylhexyl ester; Dicamba & 2,4-DP-p, 2-ethylhexyl ester.
10807–177	10807	Misty II Disinfectant & Deodorant	Ethanol; 4-tert-Amylphenol & o-Phenylphenol (NO INERT USE).
35935–62	35935	ET–012 (Active); Chlormequat Chloride Technical (Alternate).	Chlormequat chloride.
35935–114	35935	Imazethapyr Technical	Imazethapyr.
52287–15	52287	Harrell's Granular Herbicide 75	Trifluralin & Oxyfluorfen.
55146–42	55146	Algae-RHAP CU–7 Liquid Copper Algaecide	Copper sulfate pentahydrate.
55146–72	55146	Agri Tin Agricultural Fungicide	Fentin hydroxide.
62719–322	62719	NAF–545	Glyphosate-isopropylammonium.
62719–323	62719	Glyphomax	Glyphosate-isopropylammonium.
62719–345	62719	Erase Blue	Glyphosate-isopropylammonium.
62719–361	62719	Glyphosate 18% Concentrate Grass and Weed Killer	Glyphosate-isopropylammonium.
62719–362	62719	Glyphosate 0.96% RTU	Glyphosate-isopropylammonium.
62719–366	62719	Glymix MT	2,4-D, isopropylamine salt & Glyphosate-isopropylammonium.
62719–448	62719	Rawhide 4F Herbicide	Glyphosate-isopropylammonium & Oxyfluorfen.
62719–481	62719	Glyphosate 1.92% RTU	Glyphosate-isopropylammonium.
62719–495	62719	Glyphosate 41% Concentrate	Glyphosate-isopropylammonium.
62719–496	62719	GF–887	Glyphosate-isopropylammonium.
62719–509	62719	GF–772	Glyphosate-isopropylammonium.
62719–517	62719	GF–1279	Glyphosate-isopropylammonium.
62719–614	62719	Firststep Herbicide Tank Mix	Glycine, N-(phosphonomethyl)-, compd. with N-methylmethanamine (1:1) & Florasulam.
62719–673	62719	GF–2726 SR	Glycine, N-(phosphonomethyl)-, compd. with N-methylmethanamine (1:1) & 2,4–D, Choline salt.
66570–2	66570	Effersan	Sodium dichloro-s-triazinetrione.
67543–7	67543	Super KL	Cuprous oxide.
70644–8	70644	Bio-Blast Biological Termiticide	Metarhizium anisopliae Strain ESF1.
75801–1	75801	Spot-Less Biofungicide	Pseudomonas aureofaciens strain Tx-1.
87290–3	87290	Willowood Pronamide 50WSP	Propyzamide.
94483–1	94483	Lment Mesotrione Technical	Mesotrione.
AZ–150001	8033	Assail 70WP Insecticide	Acetamiprid.
AZ–170004	70506	Assail 30 SG Insecticide	Acetamiprid.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
1448–29	1448	TCMTB	2-(Thiocyanomethylthio)benzothiazole	Seed treatment.
1448–403	1448	TCMTB 150	2-(Thiocyanomethylthio)benzothiazole	Seed treatment.
1448–405	1448	TCMTB–DM	2-(Thiocyanomethylthio)benzothiazole	Seed treatment.
40230–1	40230	Galltrol–A	Agrobacterium radiobacter (strain K84)	Grapes.
64405–29	64405	Copper 8-Quinolinolate	Copper, bis(8-quinolinolato-N1,O8)-,	In-can paint preservative.

Table 3 of this unit includes the names and addresses of record for all the registrants of the products listed in Tables 1 & 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA company No.	Company name and address
106	Brulin & Company Inc., P.O. Box 270, Indianapolis, IN 46206.
228	NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste. 101, Morrisville, NC 27560.
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS—Continued

EPA company No.	Company name and address
352	E. I. Du Pont De Nemours and Company, 9330 Zionsville Road, Indianapolis, IN 46268.
499	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
1007	Zoetis, Inc., 333 Portage Street, Kalamazoo, MI 49007–4931.
1043	Steris Corporation, P.O. Box 147, St. Louis, MO 63166–0147.
1258	Arch Chemicals, Inc., 1200 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
1448	Buckman Laboratories, Inc., 1256 North Mclean Blvd, Memphis, TN 38108.
2693	International Paint, LLC, 6001 Antoine Drive, Houston, TX 77091.
6836	Lonza, LLC, 412 Mount Kemble Avenue, Suite 200S, Morristown, NJ 07960.
7364	Innovative Water Care, LLC, d/b/a GLB Pool & Spa, 1400 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
8033	Nippon Soda Co., Ltd., Agent Name: Nisso America, Inc., 379 Thornall Street, 5th Floor, Edison, NJ 08837.
9688	Chemsico, A Division of United Industries Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
10807	AMREP, Inc., Agent Name: Zep, Inc., c/o Compliance Services, 3330 Cumberland Blvd., Suite 700, Atlanta, GA 30339.
35935	NuFarm Limited, Agent Name: NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste 101, Morrisville, NC 27560.
40230	AgBiochem, Inc., 3750 North 1020 East, Provo, UT 84604.
52287	Harrell's, LLC, P.O. Box 807, Lakeland, FL 33802.
55146	NuFarm Americas, Inc., AGT Division, 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
62719	Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
64405	Nisus Corporation, Attn: Regulatory Affairs, 100 Nisus Drive, Rockford, TN 37853–3069.
66570	Activon, Inc., Agent Name: Scientific & Regulatory Consultants, Inc., 201 W. Van Buren Street, Columbia City, IN 46725.
67543	International Paint, LLC, 6001 Antoine Drive, Houston, TX 77091.
70506	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
70644	Lidochem, Inc., Agent Name: RegWest Company, LLC, 8209 West 20th Street, Suite B, Greeley, CO 80634–4699.
75801	Turf Science Laboratories, Inc., International Pest & Vegetative Management, P.O. Box 462785, Escondido, CA 92046
87290	Willowood, LLC, c/o Generic Crop Science, LLC, 1887 Whitney Messa Drive, #9740, Henderson, NV 89014–2069.
94483	LMENT, LLC, Agent Name: Wagner Regulatory Associates, Inc., 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707–0640.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 3 of Unit II have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use termination should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation or termination action, the effective date of cancellation or termination and all other provisions of any earlier cancellation or termination action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for voluntary cancellation and amendments to terminate uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations and for amendments to terminate uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 and Table 2 of Unit II.

For all other voluntary product cancellations, identified in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing all other products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved product labels reflecting the requested amendment to terminate uses, identified in Table 2 of Unit II, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18-months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that

accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 25, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2021–02721 Filed 2–9–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX and 3060–1166; FRS 17418]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before March 12, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (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.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control No.: 3060–XXXX.

Title: Telemetry, Tracking and Command Earth Station Operators.

Form No: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 4 respondents; 4 responses.

Estimated Time per Response: 12 hours.

Frequency of Response: On occasion reporting requirement and Third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309, and 316.

Total Annual Burden: 48 hours.

Total Annual Cost: $2,200.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality pertaining to the information collection requirements in this collection.

Needs and Uses: On March 3, 2020, the Commission released a Report and Order and Order of Proposed Modification titled, ''In the Matter of Expanding Flexible Use of the 3.7 to 4.2 GHz,'' GN Docket Number 18–122 (FCC 20–22). This rulemaking, which is under the purview of the Commission's Wireless Telecommunications Bureau, is hereinafter referred to as the 3.7 GHz Report and Order.

The Commission believes that C-band spectrum for terrestrial wireless uses will play a significant role in bringing next-generation services like 5G to the American public and assuring American leadership in the 5G ecosystem. The agency took action to make this valuable spectrum resource available for new terrestrial wireless uses as quickly as possible, while also preserving the continued operation of existing Fixed Satellite Services (FSS) available during and after the transition.

In the 3.7 GHz Report and Order, the Commission concluded that a public auction of the lower 280 megahertz of the C-band will best carry out our goals, and the agency will add a mobile allocation to the 3.7–4.0 GHz band so that next-generation services such as 5G can use the band. Relying on the Emerging Technologies framework, the Commission adopted a process to relocate FSS operations into the upper 200 megahertz of the band, while fully reimbursing existing operators for the costs of this relocation and offering accelerated relocation payments to encourage a speedy transition. The Commission also adopted service and technical rules for overlay licensees in the 280 megahertz of spectrum designated for transition to flexible use.

Among other information collection requirements in the 3.7 GHz Report and Order, the Commission has adopted several requirements, described in the text, related to the protection of TT&C earth stations and coordination with 3.7 GHz Service licensees. In a section of

the 3.7 GHz Report and Order titled ''Adjacent Channel Protection Criteria'' the Commission sets out the following requirements:

Pursuant to paragraph 388 of the 3.7 GHz Report and Order, the Commission requires that the TT&C operators make available certain pertinent technical information about their systems upon request by licensees in the 3.7 GHz Service to ensure the protection of TT&C operations. In addition, paragraph 389 of the 3.7 GHz Report and Order includes the requirement that, in the event of a claim by a TT&C earth station operating in 4.0–4.2 GHz of harmful interference by a 3.7 GHZ operator, the earth station operator must demonstrate that that have installed a filter that complies with the mask requirement prescribed by the Commission. This requirement will facilitate an efficient and safe transition by requiring earth station operators to demonstrate their compliance with the mask requirements, thereby minimizing the risk of interference.

OMB Control Number: 3060–1166.

Title: Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 750 respondents and 750 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 1,125 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: Information collected in each application to participate in an auction for universal service support will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission as part of the pre-auction application process. However, to the extent that a respondent seeks to have certain information collected in an application to participate in an auction for universal service support or in a report of a prohibited communication withheld from public inspection, the respondent may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR Section 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The information required by section 1.21001 of the Commission's rules that is collected under this information collection is used by the Commission to determine whether applicants are eligible to participate in auctions for Universal Service Fund support. The reports of prohibited communications made or received by an auction applicant required by section 1.21002 of the Commission's rules that are collected under this information collection enable the Commission to ensure that no bidder gains an unfair advantage over other bidders in its auctions for universal service support and thus enhance the competitiveness and fairness of Commission's auctions for universal service support.

On November 18, 2011, the Commission released an order comprehensively reforming and modernizing the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. Connect America Fund et al., Order and Further Notice of Proposed Rulemaking, FCC 11–161 (USF/ICC Transformation Order). In the USF/ICC Transformation Order, the Commission, among other things, created (1) the Connect America Fund (CAF), to help make broadband available to homes, businesses, and community anchor institutions in areas that do not, or would not otherwise, have broadband, (2) the Mobility Fund, to ensure the availability of mobile broadband networks in areas where a private-sector business case, (3) the Remote Areas Fund (RAF), to ensure that Americans living in the most remote areas in the nation, where the cost of deploying traditional terrestrial broadband networks is extremely high, can obtain affordable access through alternative technology platforms, including satellite and unlicensed wireless services. The USF/ICC Transformation Order directed that support under CAF Phase II, the Mobility Fund, and the RAF be awarded by competitive bidding. The Commission adopted rules to implement the reforms it adopted in the USF/ICC Transformation Order, including rules in Part 1, Subpart AA of the Commission's rules governing competitive bidding for universal service support generally. See 47 CFR 1.21001–1.21004.

On October 27, 2020, the Commission adopted a Report and Order in which it, among other things, amended its existing Part 1, Subpart AA general universal service competitive bidding rules to codify policies and procedures applicable to the universal service auction application process that have been adopted in its recent universal service auctions, better align provisions in the universal service competitive bidding rules with like provisions in the Commission's spectrum auction rules, and make other updates for consistency, clarification, and other purposes that would apply in all universal service auctions. Establishing a 5G Fund for Rural America, Report and Order, FCC 20–150 (5G Fund Report and Order). The amended Part 1, Subpart AA rules adopted in the 5G Fund Report and Order apply to applicants seeking to participate in future Commission auctions for universal service support.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–02681 Filed 2–9–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1034; FRS 17420]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before March 12, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (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.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1034.

Title: Digital Audio Broadcasting Systems and their Impact on the Terrestrial Radio Broadcast Service; Digital Notification, FCC Form 335.

Form Number: FCC Form 335.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 270 respondents; 270 responses.

Estimated Hours per Response: 1 hour–8 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 490 hours.

Total Annual Cost: $197,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 303, 310, and 553 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On October 27, 2020, the Commission released the All-Digital AM Broadcasting Report and Order, FCC 20–154, MB Dkts. 19–311, 13–249, where it adopts rules to allow AM radio stations, on a voluntary basis, to broadcast an all-digital signal using the HD radio in-band on-channel (IBOC) mode name MA3. This action benefits AM stations and their listeners by improving reception quality and listenable signal coverage in stations' service areas and by advancing the Commission's goal of improving the AM service, thereby helping to ensure the future of the service. AM broadcast station licensees are required to notify the Commission of a change to all-digital operations using Digital Notification Form, FCC Form 335–AM.

Specifically pertaining to this Information Collection, in the All-Digital AM Broadcasting Report and Order, the Commission requires AM broadcast stations to electronically file a digital notification using the existing FCC Form 335–AM Digital Notification (or any successor notification form) to notify the Commission of the following changes: (1) The commencement of new all-digital operation; (2) an increase in nominal power of an all-digital AM station; or (3) a transition from core-only to enhanced operating mode. Although we direct broadcasters to use the current Form 335–AM for all-digital notifications, additional information is required for notification of AM all-digital operations specifically. Therefore, until the Form 335–AM is updated to display the new all-digital operation requirements, we direct filers to select ''N/A'' as appropriate within the form and submit an attachment containing the following information. These new all-digital AM notification requirements have been added to new section 73.406 of the Commission's rules.

(a) The type of notification (all-digital notification, increase in nominal power, reduction in nominal power, transition from core-only to enhanced, transition from enhanced to core-only, reversion from all-digital to hybrid or analog operation);

(b) the date that new or modified all-digital operation will commence or has ceased;

(c) a certification that the all-digital operations will conform to the relevant nominal power and spectral emissions limits;

(d) the nominal power of the all-digital station;

(e) a certification that the all-digital station complies with all EAS requirements; and

(f) if a notification of commencement of new all-digital service or a nominal power change, whether the station is operating in core-only or enhanced mode.

The All-Digital AM Broadcasting Report and Order also revises and reorganizes the digital notification requirements formally contained in section 73.404(e) of the rules by removing paragraph 73.404(e) and adding new section 73.406 Notification.

The Notification Requirements Contained Under 47 CFR 73.406 Are as Follows

Hybrid AM and FM licensees must electronically file a digital notification to the Commission in Washington, DC, within 10 days of commencing IBOC digital operation. All-digital licensees must file a digital notification within 10 days of the following changes: (1) Any reduction in nominal power of an all-digital AM station; (2) a transition from enhanced to core-only operating mode; or (3) a reversion from all-digital to hybrid or analog operation. All-digital licensees will not be permitted to commence operation sooner than 30 calendar days from public notice of

digital notification of the following changes: (1) The commencement of new all-digital operation; (2) an increase in nominal power of an all-digital AM station; or (2) a transition from core-only to enhanced operating mode.

(a) Every digital notification must include the following information:

(1) The call sign and facility identification number of the station;

(2) If applicable, the date on which the new or modified IBOC operation commenced or ceased;

(3) The name and telephone number of a technical representative the Commission can call in the event of interference;

(4) A certification that the operation will not cause human exposure to levels of radio frequency radiation in excess of the limits specified in § 1.1310 of this chapter and is therefore categorically excluded from environmental processing pursuant to § 1.1306(b) of this chapter. Any station that cannot certify compliance must submit an environmental assessment (''EA'') pursuant to § 1.1311 of this chapter and may not commence IBOC operation until such EA is ruled upon by the Commission.

(b) Each AM digital notification must also include the following information:

(1) A certification that the IBOC DAB facilities conform to applicable nominal power limits and emissions mask limits;

(2) The nominal power of the station; if separate analog and digital transmitters are used, the nominal power for each transmitter;

(3) If applicable, the amount of any reduction in an AM station's digital carriers;

(4) For all-digital stations, the type of notification (all-digital notification, increase in nominal power, reduction in nominal power, transition from core-only to enhanced, transition from enhanced to core-only, reversion from all-digital to hybrid or analog operation);

(5) For all-digital stations, if a notification of commencement of new all-digital service or a nominal power change, whether the station is operating in core-only or enhanced mode; and

(6) For all-digital stations, a certification that the all-digital station complies with all EAS requirements.

(c) Each FM digital notification must also include the following information:

(1) A certification that the IBOC DAB facilities conform to the HD Radio emissions mask limits;

(2) FM digital effective radiated power used and certification that the FM analog effective radiated power remains as authorized;

(3) If applicable, the geographic coordinates, elevation data, and license file number of the auxiliary antenna employed by an FM station as a separate digital antenna; and

(4) If applicable, for FM systems employing interleaved antenna bays, a certification that adequate filtering and/or isolation equipment has been installed to prevent spurious emissions in excess of the limits specified in § 73.317.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–02679 Filed 2–9–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201353.

Agreement Name: THE Alliance/Evergreen Vessel Sharing Agreement.

Parties: Hapag Lloyd AG; HMM Company Limited; Ocean Network Express Pte. Ltd.; Yang Ming Marine Transport Corp., Yang Ming (UK) Ltd., and Yang Ming (Singapore) Pte. Ltd. (acting as a single party); and Evergreen Marine Corporation (Taiwan) Ltd.

Filing Party: Joshua Stein; Cozen O'Connor.

Synopsis: The Agreement authorizes the Parties to jointly operate a service in the trade between Asia, Panama, and the U.S. Gulf Coast.

Proposed Effective Date: 3/15/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/39502.

Agreement No.: 201251–003.

Agreement Name: Hapag-Lloyd/Maersk Slot Exchange Agreement.

Parties: Hapag-Lloyd AG and Maersk A/S.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment updates the name of Maersk and revises Article 5.1 to reflect changes in the amount of space to be exchanged/chartered under the Agreement.

Proposed Effective Date: 3/21/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/10190.

Agreement No.: 201258–001.

Agreement Name: Maersk/Zim Gulf-ECSA Space Charter Agreement.

Parties: Maersk A/S and Zim Integrated Shipping Services Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor.

Synopsis: The amendment updates the name of Maersk and revises Article 5.1(a) to reflect changes in the amount of space to be exchanged/chartered under the Agreement.

Proposed Effective Date: 3/21/2021.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/13183.

Dated: February 5, 2021.

Rachel E. Dickon,

Secretary.

[FR Doc. 2021–02756 Filed 2–9–21; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies

with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 25, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *McIntosh County Bank Holding Company, Inc., Ashley, North Dakota;* through its subsidiary bank holding company, North Star Holding Company, Inc., and subsidiary bank, Unison Bank, both of Jamestown, North Dakota, to indirectly retain voting shares of AccuData Services, Inc., Park River, North Dakota, and thereby engage in certain data processing activities pursuant to section 225.28(b)(14)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 5, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–02764 Filed 2–9–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 25, 2021.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Jeremy Francis Gilpin, South Lake Tahoe, California, and Jeffrey Alan Smith, Atlanta, Georgia;* as a group acting in concert, to acquire voting shares of Community Bankshares, Inc., LaGrange, Georgia and its subsidiaries, Community Bank and Trust—West Georgia, also of LaGrange, Georgia, and Community Bank and Trust—Alabama, Union Springs, Alabama.

Board of Governors of the Federal Reserve System, February 5, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–02765 Filed 2–9–21; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 192 3123]

Amazon Flex; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 12, 2021.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Amazon Flex; File No. 192 3123'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Guy C. Ward (312–960–5612), Midwest Regional Office, John C. Kluczynski Federal Building, 230 South Dearborn Street, Suite 3030, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 12, 2021. Write ''Amazon Flex; File No. 192 3123'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Due to the COVID–19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Amazon Flex; File No. 192 3123'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are

solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this Notice and the news release describing the proposed settlement. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 12, 2021. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Amazon.com, Inc. and Amazon Logistics, Inc. (''Amazon''). The proposed consent order has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

Amazon operates Amazon Flex, a gig economy program through which consumers can become ''drivers'' for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers via the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. However, from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about $61 million in total, despite its representations that it would provide drivers 100% of customer tips. Amazon continued diverting drivers' tips in this way for over two and a half years despite hundreds of complaints from drivers and critical media reports. Amazon changed its practices only after the FTC issued a Civil Investigative Demand to the company in May 2019.

The Commission's proposed complaint alleges that Amazon has violated Section 5 of the FTC Act. In particular, the proposed complaint alleges Amazon misrepresented to both customers and drivers that it would give drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices in the future. Part I of the proposed order prohibits Amazon from misrepresenting to any consumer, including both customers and drivers: (a) The income a driver is likely to earn, (b) the amount Amazon will pay drivers, (c) that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings, (d) the percentage or amount of any customer tip a driver will receive, or (e) that any amount customers pay is a tip. Part II of the proposed order prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first obtaining express informed consent from the driver.

Part III of the proposed order requires Amazon to pay $61,710,583—the full amount of tips that Amazon improperly withheld from drivers. Part IV of the proposed order requires Amazon to provide sufficient information about drivers to enable the Commission to administer redress efficiently to drivers.

Parts V through VIII of the proposed order are reporting and compliance provisions. Part V requires acknowledgments of the order. Part VI requires Amazon to notify the Commission of changes in corporate status for 10 years and mandates that the company submit an initial compliance report to the Commission. Part VII requires Amazon to create certain documents relating to its compliance with the order for 10 years and to retain those documents for a 5-year period. Part VIII mandates that the company make available to the Commission information or subsequent compliance reports, as requested.

Finally, Part IX states that the proposed order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.

By direction of the Commission.

April J. Tabor,

Secretary.

Joint Statement of Acting Chairwoman Rebecca Kelly Slaughter and Commissioner Noah Joshua Phillips

The internet-enabled gig economy is substantial and continues to grow. According to one study, U.S. families earning income from the internet-enabled gig economy rose from under 2% of the sample in 2013 to 4.5% by early 2018, with more than 5 million U.S. households earning some income from this type of work by 2018.[1]

[1] *See* Diana Farrell, Fiona Greig & Amar Hamoudi, *The Online Platform Economy in 2018: Drivers, Workers, Sellers and Lessors,* JPMorgan Chase & Co. Institute (2018) at 23, *https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/institute/pdf/institute-ope-2018.pdf.* Particularly because of high turnover, with many workers spending only a few months participating, estimates of the gig economy are difficult and inconsistent. Another study estimated that there were 1.6 million American workers in the internet-enabled gig economy in 2017, or 1% of the

Continued

Another study estimates worldwide transaction volume of $204 billion in 2018, which will more than double to $455 billion by 2023.[2]

Consumer demand for the services offered by the gig economy surely contributes to this growth. But it would not be possible without the contributions of drivers, shoppers, designers, and other gig workers, whether seeking supplemental income or relying on one gig or a patchwork of gigs to get by.

The impact of the internet-enabled gig economy on workers is a matter of robust debate in Congress, state legislatures, popular referenda, academia, and elsewhere. The two authors of this joint statement may not agree on every aspect of this debate, including whether this novel business model is, on net, beneficial for consumers and workers.

Where we do agree—and what this case reflects—is the platforms that facilitate this gig economy must treat their workers fairly and non-deceptively, just as they must consumers, and the Federal Trade Commission should work to ensure they do. That is why this case resolving our investigation into Amazon.com, Inc.'s and its subsidiary Amazon Logistics, Inc.'s (collectively, ''Amazon'') treatment of delivery drivers is so important.

The conduct alleged in the complaint is outrageous. According to the complaint, Amazon recruited delivery drivers (and, possibly, attracted customers) by promising that drivers would collect all the tips awarded them by Amazon customers. At a certain point, it decided to divert thirty percent of those tips from drivers to the company to subsidize the amounts it had committed to paying its drivers. The complaint alleges Amazon then went to great lengths to ensure no one would figure out what it was doing, by changing the way it presented earnings to drivers and drafting misleading answers for service representatives to give to drivers upset at being short-changed.

Our settlement with Amazon ensures these drivers will get back every dollar that was promised, every dollar that a customer chose to give as a tip for their service. That is a good result for an enforcement action under the FTC Act, the law we apply today. But we believe, given the importance of candor and fairness to workers in the gig economy, our current authorities could be improved. Congress can give us direct penalty authority to deter deception aimed at workers in the internet-enabled gig economy and rulemaking authority under the Administrative Procedure Act to address systemic and unfair practices that harm those workers.

Clear rules and the threat of substantial civil penalties can deter wrongdoing. The authors of this statement do not always agree on the proper scope of rulemaking and penalty authority, but we do agree here. Authorizing the FTC to assess penalties to deter similar lawbreaking will help gig workers and make labor markets more efficient. The internet-enabled gig economy is new, innovative, and growing. We believe the modest reforms we propose here can help gig workers have a fairer shake at getting their benefit of the bargain from that growth, too.

Statement of Commissioner Rohit Chopra

Today, the FTC is sanctioning Amazon.com (NASDAQ: AMZN) for expanding its business empire by cheating its workers. In 2015, Amazon launched Flex, a package delivery service that was widely seen as a challenge to FedEx and UPS.[3] To recruit drivers, the company promised to pay them a minimum of $18 to $25 an hour, plus tips.[4] But once the service was off the ground, in late 2016, Amazon changed course. The Commission's complaint charges that the company secretly began cutting its payments to drivers, and siphoning their tips to make up the difference.[5] In total, Amazon stole nearly one-third of drivers' tips to pad its own bottom line.

This theft did not go unnoticed by Amazon's drivers, many of whom expressed anger and confusion to the company. Rather than coming clean, Amazon took elaborate steps to mislead its drivers and conceal its theft, sending them canned responses that repeated the company's lies. The complaint charges that Amazon executives chose not to alter the practice, instead viewing drivers' complaints as a ''PR risk,'' which they sought to contain through deception.[6]

Amazon's scheme ended after it was exposed, but it likely produced significant benefits for the company. First, by promising a higher base pay initially, Amazon was likely able to recruit drivers more quickly, particularly as the company tried to stand up Amazon Flex in time for the holiday season.[7] Second, and most directly, Amazon's bait-and-switch allowed the company to pocket more than $60 million in workers' tips.[8] And finally, by allegedly misleading its workers about their earnings, the company made it less likely drivers would seek better opportunities elsewhere, helping Amazon attract and retain workers in its quest to dominate.[9]

By the time this scheme was exposed in late 2019, Amazon Flex was far more established. In fact, that same year, the company quietly disclosed that it was slashing drivers' minimum pay by more than 15 percent, relative to what it promised in 2015.[10] This conduct raises serious questions about how Amazon amassed and wielded its market power. Fortunately, today's action to redress the company's victims does not prevent

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entire workforce, still a substantial number. *See* U.S. Bureau of Labor Statistics, *Electronically mediated work: new questions in the Contingent Worker Supplement,* U.S. Dep't of Labor (Sept. 2018), *https://www.bls.gov/opub/mlr/2018/article/electronically-mediated-work-new-questions-in-the-contingent-worker-supplement.htm.*

[2] *See* Mastercard & Kaiser Associates, *The Global Gig Economy: Capitalizing on a ~$500 Billion Opportunity* (May 2019) at 2, *https://newsroom.mastercard.com/wp-content/uploads/2019/05/Gig-Economy-White-Paper-May-2019.pdf.* Another study estimated that spending on gig platforms was increasing 43% year-on-year in 2018. *See* Uber, *Working Together: Priorities to enhance the quality and security of independent work in the United States* (Aug. 10, 2020) at 5, *https://ubernewsroomapi.10upcdn.com/wp-content/uploads/2020/08/Working-Together-Priorities.pdf* (''Uber Report'') (citing Staffing Industry Analysts, The Gig Economy and Human Cloud Landscape (2019)). By way of example, the number of Uber drivers in the U.S. has grown from 160,000 in 2014 to 1 million in 2020. *See* Jonathan V. Hall & Alan B. Krueger, *An Analysis of the Labor Market for Uber's Driver-Partners in the United States* at 1 (Princeton U. Indus. Relations Section, Working Paper No. 587, Jan. 2015), *https://dataspace.princeton.edu/bitstream/88435/dsp010z708z67d/5/587.pdf;* Uber Report.

[3] *See* Laura Stevens, *Amazon Drives Deeper Into Package Delivery,* Wall Street J. (June 28, 2018), *https://www.wsj.com/articles/amazon-drives-deeper-into-package-delivery-1530158460.*

[4] Compl., In the Matter of Amazon, Inc., Fed. Trade Comm'n File 1923123, ¶¶ 17–20.

[5] *Id.* ¶¶ 30–34.

[6] *Id.* ¶ 35–47.

[7] Shortly after launching Flex, Amazon noted that it was trying to ''ramp quickly'' in anticipation of the holiday season, Prime Day, and other periods of high demand. *See* Becky Yerak, *Uber for packages? Amazon looking for drivers to deliver goods,* Chicago Tribune (Oct. 9, 2015), *https://www.chicagotribune.com/business/ct-amazon-flex-chicago-1009-biz-20151009-story.html.*

[8] Compl., *supra* note 2, ¶ 8.

[9] During the period of the alleged lawbreaking, gig workers were reportedly in high demand. *See* Christopher Mims, *In a Tight Labor Market, Gig Workers Get Harder to Please,* Wall Street J. (May 4, 2019), *https://www.wsj.com/articles/in-a-tight-labor-market-gig-workers-get-harder-to-please-11556942404.*

[10] After Amazon's scheme was exposed, the company indicated that it would begin paying drivers a minimum of $15 per hour. *See* Chaim Gartenberg, *Amazon will no longer use tips to pay delivery drivers' base salaries,* The Verge (Aug. 22, 2019), *https://www.theverge.com/2019/8/22/20828550/amazon-delivery-drivers-tips-end-base-salaries-flex.* This was a significant reduction from the $18 promised in 2015, particularly when adjusted for cost of living.

the FTC or state attorneys general from assessing whether Amazon has engaged in a broader pattern of unfair practices in violation of the antitrust laws.

Today's order provides substantial redress to the families victimized by Amazon's anticompetitive deception. However, this cannot be the only action we take to protect workers and families from dominant middlemen. The FTC will also need to carefully examine whether tech platforms are engaging in anticompetitive conduct that hoodwinks workers and crushes law-abiding competitors.[11]

The Commission has historically taken a lax approach to worker abuse, entering no-consequences settlements even in naked wage-fixing matters that are criminal in nature.[12] Despite broad pronouncements about a commitment to policing markets for anticompetitive conduct that harms workers,[13] the FTC has done little. I hope today's action turns the page on this era of inaction.

I also agree with Acting Chairwoman Slaughter and Commissioner Phillips that preying on workers justifies punitive measures far beyond the restitution provided here, and I believe the FTC should act now to deploy dormant authorities to trigger civil penalties and other relief in cases like this one.[14]

Companies should succeed only when they compete, not when they cheat or abuse their power. While *Amazon.com* is one of the largest, most powerful, and most feared firms in the world, the company cannot be above the law. Regulators and enforcers in the United States and around the globe can no longer turn a blind eye.

[FR Doc. 2021–02705 Filed 2–9–21; 8:45 am]

BILLING CODE 6750–01–P

[11] I have previously outlined certain steps that regulators can take to address anticompetitive practices in labor markets. Comment Submission of Commissioner Chopra to Department of Justice Initiative on Labor Market Competition (Sept. 18, 2019), *https://www.ftc.gov/public-statements/2019/09/comment-submission-commissioner-chopra-department-justice-initiative-labor.*

[12] In 2019, the FTC agreed to a no-consequences settlement with respondents charged with blatant wage-fixing. *See* Dissenting Statement of Commissioner Rohit Chopra In the Matter of Your Therapy Source, Neeraj Jindal and Sheri Yarbray, Fed. Trade Comm'n File No. 1710134 (Oct. 31, 2109), *https://www.ftc.gov/public-statements/2019/10/dissenting-statement-commissioner-rohit-chopra-matter-your-therapy-source.* Respondent Neeraj Jindal was later indicted by the United States Department of Justice. Press Release, U.S. Dep't of Justice, Former Owner of Health Care Staffing Company Indicted for Wage Fixing (Dec. 10, 2020), *https://www.justice.gov/opa/pr/former-owner-health-care-staffing-company-indicted-wage-fixing.*

[13] *See, e.g.,* Press Release, Fed. Trade Comm'n, FTC and DOJ Release Guidance for Human Resource Professionals on How Antitrust Law Applies to Employee Hiring and Compensation (Oct. 20, 2016), *https://www.ftc.gov/news-events/press-releases/2016/10/ftc-doj-release-guidance-human-resource-professionals-how.*

[14] Under its status quo approach, the FTC does not seek civil penalties for this type of abuse. But this can change. In the short term, the Commission can deploy its Penalty Offense Authority to apprise market participants, using existing administrative orders, that it is a penalty offense to recruit workers based on false earnings claims. *See Rohit Chopra & Samuel A.A. Levine, The Case for Resurrecting the FTC Act's Penalty Offense Authority* (Oct. 29, 2020), *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3721256.* The Commission can also codify existing precedent into a Restatement Rulemaking to trigger penalties and damages for this type of fraud. *See* Statement of Commissioner Rohit Chopra Regarding the Report to Congress on Protecting Older Consumers, Fed. Trade Comm'n File No. P144400 (Oct. 19, 2020) *https://www.ftc.gov/public-statements/2020/10/statement-commissioner-rohit-chopra-regarding-report-congress-protecting.* Such a rule would impose no burden on market participants, while ensuring real deterrence for practices that undercut workers and competitors.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0142; Docket No. 2021–0053; Sequence No. 4]

Information Collection; Past Performance Information

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision and renewal concerning past performance information. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2021. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by April 12, 2021.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *http://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0142, Past Performance Information. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0142, Past Performance Information.

B. Need and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

Preaward. For responses during source selection.

- *FAR 15.305(a)(2)(ii).* This section requires solicitations describe the approach for evaluating past performance, including evaluating offerors with no relevant performance history, and providing offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. Solicitations also must authorize offerors to provide information on problems encountered on their identified contracts and the offeror corrective actions. Per FAR 15.304(c)(3), past performance must be evaluated in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold (SAT) unless the contracting

officer documents the reason past performance is not an appropriate evaluation factor for the acquisition.

• *FAR 52.212–1, Instructions to Offerors—Commercial Items.* This provision requires offerors, per paragraph (b)(10), to submit past performance information, when included as an evaluation factor, to include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information).

Postaward. For responses in the Contractor Performance Assessment Reporting System (CPARS).

• *FAR 42.1503(d).* Requires contractors be afforded up to 14 calendar days from the notification date that a past performance evaluation has been entered into CPARS to submit comments, rebutting statements, or additional information. Past performance information is relevant information regarding a contractor's actions under previously awarded contracts or orders, for future source selection purposes. Source selection officials may obtain past performance information from a variety of sources.

The contracting officer will use the information to support future source selection decisions.

C. Annual Burden

Respondents: 65,373.

Total Annual Responses: 83,262.

Total Burden Hours: 166,524.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0142, Past Performance Information.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–02690 Filed 2–9–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0024; Docket 2020–0053; Sequence 10]

Submission for OMB Review; Buy American, Trade Agreements, and Duty-Free Entry

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision and renewal of a previously approved information collection requirement regarding Buy American, trade agreements, and duty-free entry.

DATES: Submit comments on or before March 12, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *http://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0024, Buy American, Trade Agreements, and Duty-Free Entry. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0024, Buy American, Trade Agreements, and Duty-Free Entry.

B. Need and Uses

This clearance covers the information that an offeror must submit in response to the requirements of the provisions and clauses in Federal Acquisition Regulation (FAR) part 25 that relate to the following:

* The Buy American statute (41 U.S.C. chapter 83, and Executive Order 10582).

* The Trade Agreements Act (19 U.S.C. 2501–2515), including the World Trade Organization Government Procurement Agreement and various free trade agreements.

* The American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act).

* Subchapters VIII and X of Chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202).

a. 52.225–2, Buy American Certificate. This provision requires the offeror to identify in its proposal supplies that do not meet the definition of domestic end product.

b. 52.225–4, Buy American—Free Trade Agreements—Israeli Trade Act Certificate. This provision requires a separate list of foreign products that are eligible under a trade agreement, and a list of all other foreign end products.

c. 52.225–6, Trade Agreements Certificate. This provision requires the offeror to certify that all end products are either U.S.-made or designated country end products, except as listed in paragraph (b) of the provision. Offerors are not allowed to provide other than a U.S.-made or designated country end product, unless the requirement is waived.

d. 52.225–8, Duty-Free Entry. This clause requires contractors to notify the contracting officer when they purchase foreign supplies, in order to determine whether the supplies should be duty-free. The notice shall identify the foreign supplies, estimate the amount of duty, and the country of origin. The contractor is not required to identify foreign supplies that are identical in nature to items purchased by the contractor or any subcontractor in connection with its commercial business, and segregation of these supplies to ensure use only on Government contracts containing duty-free entry provisions is not economical or feasible. In addition, all shipping documents and containers must specify

certain information to assure the duty-free entry of the supplies.

e. Construction provisions and clauses:

- 52.225–9, Buy American—Construction Materials
- 52.225–10, Notice of Buy American Requirement—Construction Materials
- 52.225–11, Buy American-Construction Materials Under Trade Agreements
- 52.225–12, Notice of Buy American Requirement—Construction Materials under Trade Agreements
- 52.225–21, Required Use of American Iron, Steel and Manufactured Goods—Buy American—Construction Materials
- 52.225–23, Required Use of American Iron, Steel and Manufactured Goods—Buy American—Construction Materials Under Trade Agreements

The listed provisions and clauses provide that an offeror or contractor requesting to use foreign construction material due to unreasonable cost of domestic construction material shall provide adequate information to permit evaluation of the request.

C. Annual Burden

Respondents: 8,771.
Total Annual Responses: 43,891.
Total Burden Hours: 40,738.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 85 FR 63276, on October 7, 2020. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0024, Buy American, Trade Agreements, and Duty-Free Entry.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2021–02689 Filed 2–9–21; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—Panel 1, Panel 2, and Panel 3: GH21–003, Advancing Public Health Research in Kenya; GH21–004, Conducting Research to Inform Pandemic Response and Recovery of Emergency-Affected Populations by Determining Public Health Needs, Improving Methods, and Integrating Services to Mitigate Morbidity and Mortality; and GH21–006, Strengthening Public Health Research and Implementation Science (Operations Research) to Control and Eliminate Infectious Diseases Globally.

Dates: March 30–31, 2021 and April 1, 2021.

Time: 9:00 a.m.–2:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Hylan Shoob, Ph.D., Scientific Review Officer, Center for Global Health, CDC, 1600 Clifton Drive, Atlanta, Georgia 30329–4027, Telephone (404) 639–4796, *HShoob@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02738 Filed 2–9–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)–DP21–002, Epidemiologic Cohort Study of Interstitial Cystitis; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)–DP21–002, Epidemiologic Cohort Study of Interstitial Cystitis, March 30, 2021, 10:00 a.m.–6:00 p.m., EST, which was published in the **Federal Register** on Friday, December 11, 2020, Volume 85, Number 239, page 80107.

The meeting on March 30, 2021 is being amended to change the time and should read as follows:

Time: 12:00 p.m.–3:00 p.m., EDT.

The meeting is closed to the public.

For Further Information Contact: Jaya Raman, Ph.D., Scientific Review Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, Mailstop S107–8, Atlanta, Georgia 30341, Telephone (770) 488–6511, *JRaman@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02736 Filed 2–9–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; (SEP)—SIP21–005, Feasibility of a Model Cancer Screening Surveillance Report Using All-Payer Claims Data.

Date: May 5, 2021.

Time: 11:00 a.m.–6:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman, Ph.D., Scientific Review Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway NE, Mailstop S107–8, Atlanta, Georgia 30341, Telephone (770) 488–6511, *JRaman@cdc.gov*.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02739 Filed 2–9–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)–SIP21–006, Increasing Genetic Counseling Referrals Among Patients At-Risk for BRCA-Associated Cancers.

Date: May 6, 2021.

Time: 11:00 a.m.–6:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman, Ph.D., Scientific Review Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway NE, Mailstop S107–8, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *JRaman@cdc.gov*.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02740 Filed 2–9–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—Panel 4 and Panel 5: GH19–005, Advancing Public Health Research in Bangladesh; GH21–001, Conducting Public Health Research in Thailand: Technical collaboration with the Ministry of Public Health (MOPH) in the Kingdom of Thailand; GH21–003, Advancing Public Health Research in Kenya; GH21–004, Conducting Research to Inform Pandemic Response and Recovery of Emergency-Affected Populations by Determining Public Health Needs, Improving Methods, and Integrating Services to Mitigate Morbidity and Mortality; and GH21–006, Strengthening Public Health Research and Implementation Science (Operations Research) to Control and Eliminate Infectious Diseases Globally.

Dates: April 13–14, 2021.

Time: 9:00 a.m.–2:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Hylan Shoob, Ph.D., Scientific Review Officer, Center for Global Health, CDC, 1600 Clifton Drive, Atlanta, Georgia 30329–4027, Telephone (404) 639–4796; *HShoob@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02737 Filed 2–9–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request; Information Collection Request Title: Survey of Eligible Users of the National Practitioner Data Bank, OMB No. 0915–0366—Reinstatement With Change

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than March 12, 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Survey of Eligible Users of the National Practitioner Data Bank, OMB No. 0915–0366—Reinstatement with Change.

Abstract: HRSA plans to survey National Practitioner Data Bank (NPDB) users. The purpose of this survey is to assess the overall satisfaction of the eligible users of the NPDB. This survey will evaluate the effectiveness of the NPDB as a flagging system, source of information, and its use in decision making. Furthermore, this survey will collect information from organizations and individuals who query the NPDB to understand and improve their user experience. This survey is a reinstatement of the 2012 NPDB survey with some changes.

A 60-day Notice published in the **Federal Register** on October 16, 2020, vol. 85, No. 201; pp. 65833–34. There were no comments.

Need and Proposed Use of the Information: The survey will collect information regarding the participants' experiences of querying and reporting to the NPDB, perceptions of health care practitioners with reports, impact of NPDB reports on organizations' decision-making, and satisfaction with various NPDB products and services.

The survey will also be administered to health care practitioners that use the self-query service provided by the NPDB. The self-queriers will be asked about their experiences of querying, the impact of having reports in the NPDB on their careers and health care organizations' perceptions, and their satisfaction with various NPDB products and services. Understanding self-queriers' satisfaction and their use of the information is an important component of the survey.

Proposed changes to this ICR include the following:

1. In the proposed entity survey, there are 37 modules and 258 questions. From the previous 2012 survey, there are 15 deleted questions and 13 new questions in addition to proposed changes to 12 survey questions.

2. In the proposed self-query survey, there are 22 modules and 88 questions. From the previous 2012 survey, there are five deleted questions and five new questions in addition to proposed changes to two survey questions.

Likely Respondents: Health care entities and health care practitioners who are eligible users of the NPDB will be asked to complete a web-based survey. Data gathered from the survey will be compared with previous survey results. This survey will provide HRSA with the information necessary for research purposes and for improving the usability and effectiveness of the NPDB.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NPDB Users Entities Respondents	15,000	1	15,000	0.25	3,750
NPDB Self-Query Respondents	2,000	1	2,000	0.10	200
Total	17,000		17,000		3,950

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–02757 Filed 2–9–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 0937–0191–60D]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. The ICR is for extending the use of the approved information collection assigned OMB control number 0937–0191, which expires on April 30, 2021. Prior to submitting the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before April 12, 2021.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0937–0191–60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Application packets for Real Property for Public Health Purposes.

Type of Collection: Extension.

OMB No.: 0937–0191.

Abstract: The Office of Assistant Secretary for Administration, Program Support Center, Federal Real Property Assistance Program is requesting OMB approval on a previously approved information collection, 0937–0191. 40 U.S.C. 550 (the ''Act''), as amended, provides authority to the Secretary of Health and Human Services to convey or lease surplus real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations, for public health and homeless assistance purposes. Transfers are made to transferees at little or no cost.

Type of respondent: Responses are dependent on when Federal surplus real property is made available and is desired by a respondent/applicant for acquisition. Likely respondents include State, local, or tribal units of government or instrumentalities thereof, and not-for-profit organizations.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Applications for surplus Federal real property		15	1	200	3,000
Total		15	1	200	3,000

Dated: January 19, 2021.

Sherrette A. Funn,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2021–02734 Filed 2–9–21; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Complementary and Integrative Health.

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.

The meeting will be held as a virtual meeting and is open to the public as indicated below.

Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The Open Session will be open to the public via NIH Videocast. The URL link to access this meeting is *https://videocast.nih.gov.*

Name of Committee: National Advisory Council for Complementary and Integrative Health.

Date: May 14, 2021.

Closed: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy 2, 6707 Democracy Boulevard, Bethesda, MD 20817, (Virtual Meeting).

Open: 11:40 a.m. to 5:00 p.m.

Agenda: A report from the Director of the Center and Other Staff.

Place: National Institutes of Health, Democracy 2, 6707 Democracy Boulevard, Bethesda, MD 20817, (Virtual Meeting).

Contact Person: Partap Singh Khalsa, Ph.D., DC, Director, Division of Extramural Activities, National Center for Complementary and Integrative Health, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892–5475, 301–594–3462, *khalsap@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Any member of the public may submit written comments no later than 15 days after the meeting.

Information is also available on the Institute's/Center's home page: *https://www.nccih.nih.gov/news/events/advisory-council-77th-meeting,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 4, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02718 Filed 2–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Genes, Genomes and Genetics.

Date: March 2–3, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lystranne Alysia Maynard Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4809, *lystranne.maynard-smith@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.

Date: March 9–10, 2021.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aurea D. De Sousa, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, 301–827–6829, *aurea.desousa@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomaterials, Delivery, and Nanotechnology.

Date: March 9–10, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nitsa Rosenzweig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7760, Bethesda, MD 20892, (301) 404–7419, *rosenzweign@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Musculoskeletal, Rehabilitation and Skin Sciences.

Date: March 9–10, 2021.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chi-Wing Chow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, Bethesda, MD 20892, (301) 402–3912, *chowc2@mail.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; International and Cooperative Projects—1 Study Section.

Date: March 9–10, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Chemistry, Biochemistry and Biophysics.

Date: March 9–10, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (858) 735–0788, *shan.wang@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–372: Social Epigenomics Research Focused on Minority Health and Health Disparities.

Date: March 9, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1784, *gorshkoi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–264: Imaging, Biomarkers and Digital Pathomics for the Early Detection of Premetastatic Aggressive Cancer.

Date: March 9, 2021.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ileana Hancu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, Bethesda, MD 20817, (301) 402–3911, *ileana.hancu@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Receptors, Cell Cycle, Cytoskeleton and Membranes.

Date: March 9, 2021.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kevin Czaplinski, Ph.D., Scientific Review Officer, Center for Scientific Review, 6901 Rockledge Drive, Bethesda, MD 20892, (301) 480–9139, *czaplinskik2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Tumor Biomarker and Therapy—Member Conflict.

Date: March 9, 2021.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ola Mae Zack Howard, Ph.D., BS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, (301) 451–4467, *howardz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 4, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02719 Filed 2–9–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on February 24, 2021.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Assistant Secretary for Mental Health and Substance Use, SAMHSA; and Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will include the discussion of substance use prevention priorities. The meeting will also include updates on CSAP program developments.

The meeting will be held via webcast and phone only. Attendance by the public on-site will not be available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations should notify the contact on or before one week prior to the meeting. Up to five minutes will be allotted for each presentation.

To participate in the meeting, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' website, *https://snacregister.samhsa.gov/MeetingList.aspx,* or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee website, *https://www.samhsa.gov/about-us/advisory-councils,* or by contacting the Designated Federal Officer.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: February 24, 2021, from 1:00 p.m. to 5:00pm EST: (OPEN).

Place: SAMHSA, 5600 Fishers Lane, Rockville, MD 20852. Adobe Connect webcast: please register at the SAMHSA Committees' website, listed above.

Contact: Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 5600 Fishers Lane, Rockville, MD 20852, Telephone: 240–276–2440, Fax: 301–480–8480, Email: *matthew.aumen@samhsa.hhs.gov*.

Dated: February 4, 2021.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2021–02717 Filed 2–9–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2020–0033; OMB No. 1660–0026]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; State Administrative Plan for the Hazard Mitigation Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, without change, of a previously approved information collection for which approval has expired. FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before March 12, 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Roselyn Brown-Frei, Section Chief, Hazard Mitigation Division, Federal Insurance and Mitigation Administration, FEMA, *Roselyn.brown-frei@fema.dhs.gov,* 202–924–7198.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on November 9, 2020, at 85 FR 71351 with a 60 day public comment period. FEMA received two comments (see *https://beta.regulations.gov/comment/FEMA-2020-0033-0002*). One comment was unrelated to the information collection or hazard mitigation. The second comment related to hazard mitigation generally but was not specific to this information collection. The commenter urged that States should address potentially disastrous and readily recognizable conditions in a plan and have the condition corrected before a disaster occurs. The commenter also urged that States do so before underwriting any disaster relief plan. The commenter concluded that any State applying for relief should, at a minimum, submit a plan, which should also be subject to review of basic stewardship verification principals outside the written plan documents.

In response, FEMA reiterates that FEMA regulations in 44 CFR 206.437 require development and updates to the State Administrative Plan by State Applicants/Recipients as a condition of receiving HMGP funding under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c. The State Administrative Plan is a procedural guide that details how the State administers the HMGP. The State, Territory, or Indian Tribal government (who acts as a recipient) must have a current administrative plan approved by the appropriate FEMA Regional Administrator before receiving HMGP funds. The administrative plan may take any form including a chapter within a comprehensive State mitigation program strategy. Additionally, States, Territories, and Indian Tribal governments are required to have an approved hazard mitigation plan as outlined in 44 CFR part 201. This hazard mitigation planning process

identifies risks and vulnerabilities associated with natural disasters and establishes a long-term strategy for protecting people and property in future hazard events.

This information collection expired on January 31, 2021. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: State Administrative Plan for the Hazard Mitigation Grant Program.

Type of information collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0026.

Form Titles and Numbers: None.

Abstract: The State Administrative Plan is a procedural guide that details how the State administers the HMGP. The State, Territory, or Indian Tribal government (who acts as a recipient) must have a current administrative plan approved by the appropriate FEMA Regional Administrator before receiving HMGP funds. The administrative plan may take any form including a chapter within a comprehensive State mitigation program strategy.

Affected Public: States, Territories, and Tribal governments.

Estimated Number of Respondents: 35.

Estimated Number of Responses: 70.

Estimated Total Annual Burden Hours: 560.

Estimated Total Annual Respondent Cost: $32,704.

Estimated Respondents' Operation and Maintenance Costs: None.

Estimated Respondents' Capital and Start-Up Costs: None.

Estimated Total Annual Cost to the Federal Government: $23,930.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Millicent L. Brown,

Sr. Manager, Records Management Branch, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2021–02752 Filed 2–9–21; 8:45 am]

BILLING CODE 9111–BW–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2020–0043]

Request for Information: Evidence-Building Activities

AGENCY: Department of Homeland Security.

ACTION: Request for Information; reopening and extension of comment period.

SUMMARY: The Foundations for Evidence-Based Policymaking Act of 2018 requires federal agencies to develop evidence-building plans to identify and address questions relevant to Agency strategy, programs, policies, regulations, management, and operations. On November 9, 2020, the Department of Homeland Security (DHS) published a request for information (RFI) soliciting input from the public regarding potential priority questions that can guide evidence-building activities by. DHS is reopening and extending the comment period for the RFI.

DATES: Please send comments on or before March 31, 2021. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments via the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the instructions for submitting comments via Docket No. DHS–2020–0043. All comments received, including any personal information provided, may be posted without change to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, please contact Michael Stough, Director, Program Analysis and Evaluation, (202) 447–0518, *michael.stough@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Evidence Act and November 2020 RFI

The Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act, Pub. L. 115–435) requires each federal agency to develop, as part of the agency strategic plan issued every four years,[1] a systematic evidence-building plan (or ''learning agenda'') to identify and address policy questions relevant to the strategies, programs, policies, and regulations of the agency.[2] The plan must contain (1) a list of policy-relevant questions for which the agency intends to develop evidence to support policymaking; (2) a list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking; (3) a list of methods and analytical approaches that may be used to develop evidence to support policymaking; (4) a list of any challenges to developing evidence to support policymaking, including any statutory or other restrictions to accessing relevant data; (5) a description of the steps the agency will take to accomplish items (1) and (2) above; and (6) any other information as required by guidance issued by the Director of the Office of Management and Budget (OMB).[3] In developing the evidence-building plan, the agency must consult with stakeholders, including the public, agencies, State and local governments, and representatives of non-governmental researchers.[4]

On November 9, 2020, DHS published an RFI soliciting input from the public to inform the development of the Department's evidence-building plan. 85 FR 71353. On January 27, 2021, President Biden issued a Memorandum on Restoring Trust in Government Through Scientific Integrity and

[1] The latest such DHS strategic plan covers the years 2020–2024, and preceded implementation of the Evidence Act. *See* DHS, The DHS Strategic Plan: Fiscal Years 2020–2024, *available at https://www.dhs.gov/sites/default/files/publications/19_0702_plcy_dhs-strategic-plan-fy20-24.pdf* (last visited Jan. 28, 2020).

[2] *See* 5 U.S.C. 306, 312.

[3] *See* 5 U.S.C. 312(a).

[4] *See, e.g.,* OMB Memorandum M–19–23, Phase 1 Implementation of the Foundations for Evidence Based Policymaking Act of 2018: Learning Agenda, Personnel, and Planning Guidance at 16–17 (July 10, 2019), *available at https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf* (last visited Jan. 28, 2021) (''Agencies should gather input in the manner that best meets their needs, most effectively engages their specific stakeholders, and leverages existing activities and/or requirements whenever possible, in accordance with applicable law and policy. Potential models for doing so include: Requests for Information published in the **Federal Register**, listening sessions with groups of stakeholders, Technical Working Groups, and one-on-one consultations. OMB recognizes that agencies may use different approaches at different points in the process, and that it may not be feasible to engage all stakeholders for all updates to the learning agenda . . . .'').

Evidence-Based Policymaking,[5] which reinforces the importance of the evidence-building plan. DHS is now reopening and extending the comment period for the RFI to allow additional public engagement.

DHS Background

With the passage of the Homeland Security Act by Congress in November 2002, the Department of Homeland Security (DHS) became a Cabinet-level agency to unite the Nation's approach to homeland security. DHS combined functions of 22 different agencies with broad responsibilities that collectively prevent attacks, mitigate threats, respond to national emergencies, preserve economic security, and preserve legacy agency functions. DHS is committed to evaluating the effectiveness and efficiency of its programs, policies, and regulations. DHS will use its evidence-building plan to coordinate and communicate how evaluation, statistics, research, and analysis will be used to help the Department achieve its mission.

Request for Information

Through this RFI, DHS is soliciting suggestions from a broad array of stakeholders across public and private sectors that may be familiar with or interested in the work of DHS and wish to volunteer suggestions for studies that could help DHS improve the effectiveness and efficiency of DHS strategy, programs, policies and regulations. DHS invites suggestions in many forms—such as questions to be answered, hypotheses to be tested, or problems to be studied—and focused on any area of Department's work, including strategy, policy, programs, regulations, management, and operations. Responses to this RFI will inform the Department's ongoing development of a set of questions that will guide direction and evidence-building activities, such as foundational research, policy analysis, performance measurement, and program evaluation.

This RFI is for information and planning purposes only and should not be construed as a solicitation or as creating or resulting in any obligation on the part of DHS.

[5] *See* Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (Jan. 27, 2021), *available at https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-resotring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/* (last visited Jan. 28, 2021).

Dated: February 5, 2021.

Michael Stough,

Evaluation Officer, U.S. Department of Homeland Security.

[FR Doc. 2021–02735 Filed 2–9–21; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–31446; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before January 30, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by February 25, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 30, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Denver County

CB&Q Denver Shops Powerhouse (Railroads in Colorado, 1858–1948 MPS) 5151 Bannock St., Denver, MP100006230

ILLINOIS

Cook County

Charles Warrington Earle School, 6121 South Hermitage Ave., Chicago, SG100006227

IOWA

Madison County

Winterset City Park Historic District, South 9th St. at East South St., Winterset, SG100006220

Monona County

South Jordan Cemetery, 33928 260th St., Moorhead vicinity, SG100006221

Polk County

Iowa Ford Tractor Company Repair and Warehouse Building, 213 13th Street, Des Moines, SG100006262

MINNESOTA

Hennepin County

Minnetonka Town Hall, 13231 Minnetonka Dr., Minnetonka, 86003815

MONTANA

Sanders County

Paradise School, 2 Schoolhouse Hill Rd., Paradise, SG100006231

NEW YORK

Allegany County

Pink House, The, 193 West State St., Wellsville, SG100006214

Essex County

Tahawus Masonic Lodge, 14234 Main St., Au Sable Forks, SG100006216

Franklin County

Malone Downtown Historic District, Roughly bounded by Brewster, Main, Church, and Elm Sts., and Wheeler Ave., Malone, SG100006217

New York County

The Church of the Heavenly Rest and the Chapel of the Beloved Disciple, 1085 5th Ave., New York, SG100006215

Row Houses at 854–858 West End Avenue and 254 West 102nd Street, 854–858 West End Ave. and 254 West 102nd St., New York, SG100006218

Ulster County

AME Zion Church of Kingston and Mt. Zion Cemetery, 26 Franklin St. and 190 South Wall St., Kingston, SG100006224

OHIO

Franklin County

Ford Motor Company Columbus Branch Assembly Plant, 427 Cleveland Ave., Columbus, SG100006229

Marion County

Temple and Masonic Block Buildings, 107, 109, 111, and 127 East Marion St., Caledonia, SG100006261

TEXAS

Dallas County

Braniff International Hostess College, 2801 Wycliff Ave., Dallas, SG100006219

UTAH

Salt Lake County

Los Gables Apartments (Salt Lake City MPS) 125 South and 135 South 300 East, Salt Lake City, MP100006232

VERMONT

Rutland County

Green Mountain Cottage, 61 Church St., Mount Holly, SG100006222

Additional documentation has been received for the following resources:

ARKANSAS

Conway County

Morrilton Commercial Historic District (Additional Documentation) Roughly bounded by East Railroad Ave., East Broadway, North Division, and North Moose Sts., Morrilton, AD03000085

Faulkner County

Robinson Historic District (Additional Documentation) Roughly bounded by Cross, Prince, Faulkner, and Watkins Sts., and Robinson Ave., Conway, AD00001645

Authority: Section 60.13 of 36 CFR part 60.

Dated: February 2, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–02694 Filed 2–9–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductor Devices, Wireless Infrastructure Equipment Containing the Same, and Components Thereof, DN 3532;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Samsung Electronics Co., Ltd. and Samsung Austin Semiconductor, LLC on February 4, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, wireless infrastructure equipment containing the same, and components thereof. The complainant names as respondents: Ericsson AB of Sweden; Telefonaktiebolaget LM Ericsson of Sweden; and Ericsson Inc. of Plano, TX. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation 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 requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial 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 requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3532'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. 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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 5, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02761 Filed 2–9–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Modification Under the Clean Water Act

On January 19, 2021, the Department of Justice lodged with the United States District Court for the District of Alaska a proposed modification of the 2016 Consent Decree in *United States and State of Alaska* v. *City of Palmer,* 3:16 cv 000204.

The proposed modification seeks to make changes to the Consent Decree entered by the Court on December 22, 2016 that required the City of Palmer (City) to implement various upgrades to its wastewater treatment plant (WWTP) to enable the City to comply with its National Pollutant Discharge Elimination System permit issued under the Clean Water Act, 33 U.S.C. 1342. Among these upgrades, the Consent Decree required that by August 31, 2020 the City install and operate secondary clarifiers which are basins specifically designed to provide effective gravity separation of settleable and suspended solids in biologically treated wastewater. See Consent Decree ¶ 11.d. The proposed modification extends this deadline until July 1, 2022 and requires that in the interim City undertake certain alternative measures that may enable it to meet its permit limits without the clarifiers.

The publication of this notice opens a period for public comment on the proposed modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division and should refer to *United States and State of Alaska* v. *City of Palmer,* D.J. Ref. No. 90–5–1–1–11214. 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 modification 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 modification 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 $36.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–02733 Filed 2–9–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mechanical Power Presses Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 12, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: The inspection and certification records required by the Standard on Mechanical Power Presses are intended to ensure that mechanical power presses are in safe operating condition, and that all safety devices are working properly. The failure of these safety devices could cause serious injury or death to a worker. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 28, 2020 (85 FR 68371).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Mechanical Power Presses Standard.

OMB Control Number: 1218–0229.

Affected Public: Private Sector, Businesses or other for profits.

Total Estimated Number of Respondents: 104,035.

Total Estimated Number of Responses: 62,421.

Total Estimated Annual Time Burden: 20,807 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Crystal Rennie,

PRA Senior Analyst.

[FR Doc. 2021–02698 Filed 2–9–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Steel Erection Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 12, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Standard on Steel Erection requires that workers exposed to fall hazards receive specified training in the recognition and control of these hazards and that they are notified that building materials, components, steel structures, and fall protection equipment are safe for specific uses. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 19, 2020 (85 FR 66360).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Steel Erection Standard.

OMB Control Number: 1218–0241.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 18,468.

Total Estimated Number of Responses: 101,624.

Total Estimated Annual Time Burden: 34,157 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–02697 Filed 2–9–21; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Fire Protection in Shipyard Employment Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 12, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The standard requires employers to develop a written fire safety plan and written statements or policies that contain information about fire watches and fire response duties and responsibilities. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 12, 2020 (85 FR 71949).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Fire Protection in Shipyard Employment Standard.

OMB Control Number: 1218–0248.

Affected Public: Private Sector, Businesses or other for-profits.

Total Estimated Number of Respondents: 253.

Total Estimated Number of Responses: 184,921.

Total Estimated Annual Time Burden: 16,251 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–02696 Filed 2–9–21; 8:45 am]

BILLING CODE 4510–26–P

OFFICE OF MANAGEMENT AND BUDGET

[Notice–PBS–2019–06; Docket No. 2019–0002; Sequence No. 15]

Publication of Standards, Criteria and Recommendations

AGENCY: Office of Management and Budget

ACTION: Notice.

SUMMARY: The notice provides the list of Office of Management and Budget (OMB) recommended Federal real property for consideration by the Public Buildings Reform Board (PBRB) for disposal, consolidation, or co-location and the standards and criteria used to assess the property.

ADDRESSES: Recommendations on Federal real property to be disposed may be submitted online at *http:www.gsa.gov/fasta.*

FOR FURTHER INFORMATION CONTACT: U.S. Office of Management and Budget, 725 17th Street NW, Washington, DC 20503. Contact Bill Hamele by phone at (202) 395–7583 and by email at *whamele@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* As required in Section 11(d)(2) of Public Law 114–287, the standards, criteria, and recommendations developed pursuant to subsection (b) shall be published in the **Federal Register**. OMB asked landholding agencies to submit projects for consideration through an agency recommendation template developed in coordination with the General Services Administration (GSA) Public Buildings Service (PBS).

II. *Standards & Criteria:* The agency recommendation template allows agencies to provide a business-case justification for the inclusion of the following project types: Disposal (by sale as authorized by the Act) and consolidation (which could include colocation, reconfiguration, and redevelopment). The recommendation template required agencies to provide the following information for each project submitted: Agency priority, ownership, marketability, agency mission impacts, financial return (including costs associated with project implementation), and utilization rate information. OMB and GSA then evaluated these submissions based on real estate fundamentals, financial information, schedule certainty, and other factors as required by Public Law 112–287 Section 11(b)(3). In addition, GSA and OMB established a ranking scheme of high, medium, and low priority to assign relative priority to the projects submitted by the agencies. As OMB and GSA are working to mature the FASTA process, the OMB list was limited to less complex property disposals with the understanding that the Board has access to multiple other sources of information to determine its next set of disposal recommendations. More complex options such as consolidations and land swaps were not included in this list because there are other factors, including proposed legislative reforms that may impact those types of disposal options. This approach is intended to build on OMB's recent approval of the PBRB's high-value list and the lessons learned from actions taken to sell those properties. OMB looks forward to continuing to refine this process over subsequent rounds provided in the statute by developing increasingly complex transactions, potentially to include consolidations or other actions. Agency submissions were evaluated by review teams from PBS and OMB with priority given to projects with strong real estate fundamentals, favorable financial data, limited complexity, availability of information for the public on effected buildings, and high schedule certainty. A combination of the evaluation of submitted data, assessment of the evaluation factors required by Public Law 112–287 Section 11(b)(3), and dialogue with agencies resulted in the final high, medium, low rankings. Only projects ranked High or Medium were recommended to the PBRB. Project in the Low category did not provide sufficient financial benefit to the government or had high risk and high cost, generally associated with environmental cleanup.

It is important to note that while OMB, with GSA's assistance, did conduct this evaluation of the agency-identified properties and is providing a list of properties for consideration of the PBRB, it is ultimately the responsibility of the PBRB to fully vet each property, as the PBRB, working with GSA, is charged with carrying out the disposals and consolidations. Like the High Value Asset process, OMB will expect that the PBRB provide the necessary financial information to weigh the likelihood of project by project success. Further, the availability of appropriations including appropriations of proceeds from the High Value Round disposals will be a critical determination of what is possible to execute, and that is currently unknown.

III. *Standard Utilization Rates:* In 2017–2018, GSA and OMB researched existing utilization rate standards that could potentially be used to evaluate Agency Recommendations, in accordance with Public Law 114–287, Section 11(c), ''Special Rule for Utilization Rates.'' Specifically FASTA required that standards developed by the Director of OMB pursuant to subsection (b) ''shall incorporate and apply clear standard utilization rates to the extent that such standard rates increase efficiency and provide performance data. The utilization rates shall be consistent throughout each applicable category of space and with non-government space utilization rates.''

This research was conducted by GSA with input from OMB. For each Federal Real Property Profile (FRPP) predominant building use type, potential utilization rate approaches were identified and evaluated based on the criteria established in this section, including the ability to identify efficiency opportunities, provide performance data, and be consistent throughout each applicable category of space.

A. Office Buildings

The results of the study revealed that only the FRPP building type ''office'' lends itself to a standard utilization metric. Utilization rates for office space are used by the private sector and a majority of federal agencies to manage their space and assess its efficient use. OMB and GSA recommends to PBRB that buildings reported to the FRPP with a building use code of ''office'' should utilize the following utilization rate calculation: Total Administrative Office Space (useable square feet) divided by Total Headcount = administrative Office Utilization Rate (usable square feet per person). This Administrative Office Utilization Rate formula focuses solely on that space which is commonly found in a commercial office setting: Workstations, private offices, collaboration areas, meeting spaces, and other standard support spaces, and associated internal circulation. Any space that is unique to the agency and does not have a commercial office equivalent (termed ''special space'') is removed from the calculation. This special space is instead evaluated based on its efficiency relative to achieving the agency's programmatic goals and established design criteria.

B. Non-Office Buildings

For all other FRPP building types other than ''office'', the study revealed that a clear and reliable utilization rate is not in common use within the government or the private sector, and that it is currently not feasible to create such rates without extensive and close collaboration among the government and the private sector. In some building types, there exist significant variations in programmatic purpose that prevent reliable comparisons between them. Creating a standard utilization rate for non-office building types would often provide a misleading and inaccurate efficiency measurements, particularly if comparison was made among agencies. Based on this, GSA recommends that non-office buildings identified in Agency Recommendations be evaluated individually by real estate professionals, based on the building's unique ability to meet mission requirements of the agency at that specific location, to assess how efficiently the building is being utilized.

IV. *Agency Recommendations:* In accordance with 11(d)(2) of Public Law 114–287, the list of recommendations was submitted by OMB and GSA and has been provided to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Environment and Public Works of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate; the Government Accountability Office; and the Public Buildings Reform Board. OMB believes that to fully utilize the authority provided by FASTA, the next round of PBRB recommendations should include 100 or more properties and that projects already identified by the agencies as priorities are likely to be strong candidates for that list.

Deidre A. Harrison,

Deputy Controller (Acting).

Agency	Agency	Property name	City	State	Priority	Annual O&M costs	Total improvements	Total square footage	Total acres
VA	VHA	Menlo Park VA Medical Center—NW Parcel.	Menlo Park	CA	Medium	$4,302	1	15,200	2.24
Agriculture	ARS	Portion of ARS Glen Dale	Glen Dale	MD	Medium	2,500,000	24	31,242	70
Energy	ANL	Argonne National Lab—Vacant Land/2 Parking Structures.	Argonne	IL	Medium		0	0	8.4
EPA	EPA	Lakes & Rivers Forecasting Research Station.	Grosee Ile	MI	Medium	239,196	4	35,547	3.1
Labor	Job Corps	Earle C Clements Job Corps Center—Vacant Land.	Morgansfield	KY	Medium		0	0	600
VA	VHA	Sepulveda North Parcel	Sepulveda	CA	Medium		18	35,316	3.53
VA	VHA	Portion of Manchester VA Medical Center.	Manchester	NH	Medium	33,661	1	2,776	2.8
VA	VHA	Portion of VA Campus—Baseball Fields.	Walla Walla	WA	Medium		0	0	13
VA	VHA	Tomah Quarters Buildings.	Tomah	WI	Medium	12,401	3	30,823	2
Labor	Job Corps	Portion of Atterbury Job Corps Center.	Edinburgh	IN	Medium		8	62,840.00	93.00

Agency	Agency	Property name	City	State	Priority	Annual O&M costs	Total improvements	Total square footage	Total acres
Labor	Job Corps	Gary Job Corps Center Staff Housing.	San Marcos	TX	Medium	558,677	59	142,622.00	60.00
VA	VHA	Portion of FDR Campus	Montrose	NY	Medium		0	0	5.10
VA	VHA	Portion of VA New Jersey HCS.	Lyons	NJ	Medium		0	0	0.10
						3,348,237	118	356,366	863.27

[FR Doc. 2021–02695 Filed 2–9–21; 8:45 am]

BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0038]

Safety-Related Steel Structures and Steel-Plate Composite Walls for Other Than Reactor Vessels and Containments

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG–1304, ''Safety-Related Steel Structures and Steel-Plate Composite Walls for other than Reactor Vessels and Containments.'' DG–1304 is a new guide that proposes guidance to meet regulatory requirements for safety-related steel structures and steel-plate composite walls for other than reactor vessels. DG–1304 endorses, with exceptions and clarifications, the 2018 edition of American National Standards Institute/American Nuclear Society (ANSI/AISC) N690, ''Specification for Safety-Related Steel Structures for Nuclear Facilities.''

DATES: Submit comments by March 29, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods, however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0038. 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 individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements, and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Edward O'Donnell, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov* and Marcos Rolon Acevedo, telephone: 301–415–2208, email: *Marcos.Rolon@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0038 when contacting the NRC about the availability of information for this action. 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–2021–0038.
- *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, at 301–415–4737, or by email to *pdr.resource@nrc.gov.* DG–1304, ''Safety-Related Steel Structures and Steel-Plate Composite Walls for other than Reactor Vessels and Containments'' is available in ADAMS under Accession No. ML20339A558.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0038 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Safety-Related Steel Structures and Steel-Plate Composite Walls for other than Reactor Vessels and Containments'' is a proposed new guide temporarily identified by its task number, DG–1304. It proposes guidance to meet regulatory requirements for safety-related steel structures and steel-plate composite walls for other than reactor vessels and containments. It endorses with, exceptions and clarifications, the 2018 edition of ANSI/AISC N690–2018, ''Specification for Safety-Related Steel Structures for Nuclear Facilities.''

The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML20339A559). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–1304, if finalized, would not constitute backfitting as that term is defined in title 10 of the *Code of Federal Regulations* (10 CFR) section 50.109, ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in DG–1304, applicants and licensees are not required to comply with the positions set forth in DG–1361.

Dated: February 4, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–02720 Filed 2–9–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on March 16, 2021. A sample of agenda items to be discussed during the public session includes: An overview of fiscal year 2020 medical related events; a discussion on the status of the NRC's patient release evaluation of emerging brachytherapy sources; a discussion on calibration procedures for existing and emerging brachytherapy sources; a discussion on the current ACMUI reporting structure; and an overview on the consequences of radiopharmaceutical extravasation and therapeutic interventions in nuclear medicine. The agenda is subject to change. The current agenda and any updates will be available on the ACMUI's Meetings and Related Documents web page at *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html* or by emailing Ms. Kellee Jamerson at the contact information below.

DATES: *Date and Time for Open Session:* Tuesday, March 16, 2021, from 10:00 a.m. to 3:45 p.m. EST.

ADDRESSES:

Date	Webinar information
March 16, 2021.	*Link: https://usnrc.webex.com. Event number:* 199 910 9533.

Public Participation: Due to the ongoing COVID–19 public health emergency, the meeting will be held as a webinar using Cisco WebEx. Any member of the public who wishes to participate in any portion of this meeting should register in advance of the meeting by accessing the provided link above. Upon successful registration, a confirmation email will be generated providing the telephone bridge line and a link to join the webinar on the day of the meeting. Members of the public should also monitor the NRC's Public Meeting Schedule at *https://www.nrc.gov/pmns/mtg* for any meeting updates. If there are any questions regarding the meeting, persons should contact Ms. Jamerson using the information below.

FOR FURTHER INFORMATION CONTACT: Ms. Kellee Jamerson, email: *Kellee.Jamerson@nrc.gov,* telephone: 301–415–7408.

SUPPLEMENTARY INFORMATION:

Purpose: Discuss issues related to 10 CFR part 35 Medical Use of Byproduct Material.

Conduct of the Meeting

The ACMUI Chair, Darlene F. Metter, M.D., will preside over the meeting. Dr. Metter will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Jamerson using the contact information listed above. All submittals must be received by the close of business on March 10, 2021 and must only pertain to the topics on the agenda.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the ACMUI Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's website *https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2021.html* on or about May 3, 2021.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Jamerson of their planned participation.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10 of the *Code of Federal Regulations,* Part 7.

Dated at Rockville, Maryland this 4th day of February, 2021.

For the U.S. Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–02688 Filed 2–9–21; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0156, Application for Death Benefits Under the Civil Service Retirement System (SF 2800); Documentation in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS)

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a renewal with minor edits of information collection request (ICR), SF 2800—Application for Death Benefits (CSRS) and SF 2800A—Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (CSRS). We have updated the way we display the OMB control number and there are editorial changes to the

instructions and forms regarding contacting OPM and etc.

DATES: Comments are encouraged and will be accepted until April 12, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0121). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

Standard Form 2800 is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. Standard Form 2800A is needed for deaths in service so that survivors can make the needed elections regarding military service.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Death Benefits under the Civil Service Retirement System (SF 2800); and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (SF 2800A).

OMB Number: 3206–0156.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 2800 = 40,000; SF 2800A = 400.

Estimated Time per Respondent: SF 2800 = 45 minutes; SF 2800A = 45 minutes.

Total Burden Hours: 30,300 (SF 2800 = 30,000; SF 2800A = 300).

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–02706 Filed 2–9–21; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 190 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–67, CP2021–70.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–02747 Filed 2–9–21; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91065; File No. SR–NYSEAMER–2021–07]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule

February 4, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 1, 2021, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') to introduce a new credit applicable to Customer Electronic executions. The Exchange proposes to implement the fee change effective February 1, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts 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 purpose of this filing is to modify the Fee Schedule to add a new credit for Customer Electronic Simple and Complex executions based on an ATP Holder's achievement of certain volume thresholds. Specifically, an ATP Holder that executes the requisite volume in Complex CUBE Auctions, Customer Electronic executions, and Professional (as defined in Section I.H. of the Fee Schedule) Electronic executions will earn a $0.10 per contract credit on Customer Electronic executions, excluding CUBE Auctions, QCC Transactions, and orders routed to another exchange. The Exchange proposes to introduce this pricing on February 1, 2021.

Section I.H. of the Fee Schedule currently provides incentives for ATP Holders that increase their Electronic volume in the Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker, and Firm ranges (collectively, the ''Professional'' range).

The Exchange proposes to modify Section I.H. to provide ATP Holders with a new credit of $0.10 per contract on Customer Electronic Simple and Complex executions (excluding CUBE Auctions, QCC Transactions, and orders routed to another exchange), provided that each of three monthly volume qualifications are met: (a) 15,000 Contracts ADV from Initiating CUBE Orders in Complex CUBE Auctions; (b) Customer Electronic executions of 0.05% of TCADV, excluding CUBE Auctions, QCC Transactions, and volume from orders routed to another exchange; and (c) Professional Electronic executions of 0.03% of TCADV.[4] In calculating an OFP's Electronic volume for purposes of this credit, the Exchange will include the activity of either (i) Affiliates of the OFP, such as when an OFP has an Affiliated NYSE American Options Market Making firm, or (ii) an Appointed MM of such OFP.

The Exchange believes the proposed credit will continue to incent ATP Holders to direct order flow to the Exchange and also encourage ATP Holders to engage in a variety of transactions on the Exchange, thereby promoting market depth, facilitating tighter spreads, and enhancing price discovery to the benefit of all market participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[8] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity and ETF options trades.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees and rebates can have a direct effect on the ability of an exchange to compete for order flow.

The proposed rule change is designed to continue to incent ATP Holders to direct liquidity to the Exchange in a variety of forms and from a variety of sources, thereby promoting market depth, price discovery, and price improvement and enhancing order execution opportunities for market participants. In particular, the Exchange believes it is reasonable to provide ATP Holders with a credit for achieving certain volume goals in different types of executions, consistent with credits offered through a similarly-structured program on a competing options exchange.[10]

The Exchange believes that the proposed credit is reasonably designed to encourage ATP Holders to execute a variety of orders on the Exchange and that having multiple volume criteria to qualify for the proposed credit should encourage greater use of the Exchange by all ATP Holders, which may lead to greater opportunities to trade—and for price improvement—for all participants.

Further, the Exchange believes the proposed new credit would continue to attract more volume and liquidity to the Exchange generally and would therefore benefit all market participants through increased opportunities to trade at potentially improved prices, as well as by enhancing price discovery.

Finally, to the extent the proposed fees and credits encourage greater volume and liquidity, the Exchange believes the proposed change would continue to improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to maintain its market share relative to its competitors.

[4] *See* proposed Fee Schedule, Section I.H.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[8] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[9] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.,* the Exchange's market share in multiply-listed equity and ETF options increased from 8.06% for the month of November 2019 to 9.09% for the month of November 2020.

[10] *See, e.g.,* Cboe Exchange Inc. Fee Schedule, Volume Incentive Program, available at: *https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf* (providing comparable per contract credits for Customer orders based on volume from a variety of executions, including auction volume, volume from various account types, and volume from both simple and complex executions).

The Proposed Rule Change Is an Equitable Allocation of Fees and Credits

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount and type of business transacted on the Exchange and ATP Holders can opt to avail themselves of the incentive or not. Moreover, the proposal is designed to encourage ATP Holders and their affiliated or appointed parties to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed change continues to attract more executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, continue to attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the proposed modifications would be available to all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange's fees and credits are designed to continue to encourage greater use of the Exchange, which may lead to greater opportunities to trade—and for price improvement—for all participants.

The proposal is based on the amount and type of business transacted on the Exchange and ATP Holders are not obligated to try to achieve the incentive. Rather, the proposal is designed to continue to encourage participants to utilize the Exchange as a primary trading venue (if they have not done so previously) or increase Electronic volume sent to the Exchange. To the extent that the proposed change continues to attract more executions—and executions of varying types—to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would continue to improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange, thereby improving market-wide quality and price discovery. The resulting volume and liquidity would continue to provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would continue to encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [11]

Intramarket Competition. The proposed change is designed to continue to attract increased and diverse order flow to the Exchange by offering competitive credits based on increased volumes on the Exchange, which may increase the volumes of contracts traded on the Exchange. Specifically, the Exchange believes that the proposed rule change, by offering an additional credit applicable to Customer Electronic executions, will incent ATP Holders to direct order flow to the Exchange and participate in a variety of types of executions on the Exchange to meet the proposed thresholds to qualify for the credit. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the continued market liquidity. Enhanced market quality and increased transaction volume that results from the increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[12] Therefore, no exchange currently possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in November 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity and ETF options trades.[13]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees and credits in a manner designed to encourage ATP Holders to direct trading interest to the Exchange, to provide liquidity and to attract order flow. Specifically, the Exchange believes that the proposed rule change will encourage ATP Holders to direct increased Electronic volume to the Exchange, thereby increasing the number of executions (and executions of varying types) on the Exchange and continuing to make the Exchange a more competitive venue for order execution. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed changes could promote competition between the Exchange and other execution venues by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section

[11] *See* Reg NMS Adopting Release, *supra* note 7, at 37499.

[12] *See supra* note 8.

[13] Based on OCC data, *supra* note 9, the Exchange's market share in multiply-listed equity and ETF options increased from 8.06% for the month of November 2019 to 9.09% for the month of November 2020.

19(b)(3)(A)[14] of the Act and subparagraph (f)(2) of Rule 19b–4[15] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B)[16] of the Act 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–NYSEAMER–2021–07 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–NYSEAMER–2021–07. 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–NYSEAMER–2021–07, and should be submitted on or before March 3, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02714 Filed 2–9–21; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–297, OMB Control No. 3235–0336]

Submission for OMB Review; Comment Request

Revision: Form N–14

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Form N–14 (17 CFR 239.23) is the form for registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') of securities issued by management investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') and business development companies as defined by Section 2(a)(48) of the Investment Company Act in: (1) A transaction of the type specified in rule 145(a) under the Securities Act (17 CFR 230.145(a)); (2) a merger in which a vote or consent of the security holders of the company being acquired is not required pursuant to applicable state law; (3) an exchange offer for securities of the issuer or another person; (4) a public reoffering or resale of any securities acquired in an offering registered on Form N–14; or (5) two or more of the transactions listed in (1) through (4) registered on one registration statement. The principal purpose of Form N–14 is to make material information regarding securities to be issued in connection with business combination transactions available to investors. The information required to be filed with the Commission permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. Without the registration statement requirement, material information may not necessarily be available to investors.

Estimates of the 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 Form N–14 is mandatory. The information provided under Form N–14 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.

BILLING CODE 8011–01–P

Table 1: Burden Estimates for Initial Registration Statements Filed on Form N-14

	Internal Burden		Wage Rate[1]	Cost of Internal Burden	Annual Cost Burden		Annual Responses	Internal Burden (Aggregate)	Cost of Internal Burden (Aggregate)	Annual Cost Burden (Aggregate)
CURRENTLY APPROVED ESTIMATES										
Preparing and filing reports on Form N-14 generally	497.31 hours	×	$348 (blend of compliance attorney and senior programmer)	$173,063.88	$23,091	×	253	125,820 hours	$43,758,162	$5,842,000
Preparation and review of exhibit hyperlinks	0.25 hours	×	$348 (blend of compliance attorney and senior programmer)	$87	$300	×	253	63 hours	$22,011	$75,900
TOTAL ANNUAL BURDEN								**125,883 hours**	**$43,780,173**	**$5,917,900**
REVISED ESTIMATES										
Preparing and filing reports on Form N-14 generally	610 hours		$317.3 (blend of attorney, senior accountant, and paralegal)	$193,554	$27,500		156	96,160 hours	$29,181,672	$4,290,000
Burden per amendment	290 hours		$319 ((blend of attorney, senior accountant, and paralegal)	$92,530	$16,000		97	29,100 hours	$8,674,710	$1,552,000
TOTAL ANNUAL BURDEN								**125,260 hours**	**$37,856,382**	**$5,842,000**

Notes:

[1] The Commission's estimates concerning the allocation of burden hours and the relevant wage rates are based on consultations with industry representatives and on salary information for the securities industry compiled by the Securities Industry and Financial Markets Association's Office Salaries in the Securities Industry 2013. The estimated wage figures are modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits, overhead, and adjusted to account for the effects of inflation. *See* Securities Industry and Financial Markets Association, Report on Management & Professional Earnings in the Securities Industry 2013.

As summarized in Table 1 above, the Commission has previously estimated that about 253 funds will make about 253 filings on Form N–14 each year, incurring 125,883 hours of internal hour burden at a cost of about $43.78 million.

The hour burden estimates for preparing and filing reports on Form N–14 are based on the Commission's experience with the contents of the form. The number of burden hours may vary depending on, among other things, the complexity of the filing and whether preparation of the forms is performed by internal staff or outside counsel.

The amendments to Form N–14 to permit BDCs to incorporate certain information by reference into that form to the same extent as registered closed-end fund are expected to decrease the burden and costs for BDCs that prepare and file Forms N–14. As summarized in Table 1 above, we estimate that the total internal burden associated with N–14 will be 125,260 hours, at a cost of approximately $37,856,382.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* 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.

Dated: February 4, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02687 Filed 2–9–21; 8:45 am]

BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91064; File No. SR–CboeBZX–2021–014]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Amendment To Allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF (Each a ''Fund'' and, Collectively, the ''Funds''), Each a Series of the Invesco Actively Managed Exchange-Traded Fund Trust (the ''Trust''), To Strike and Publish Multiple Intra-Day Net Asset Values (''NAVs'') and an End-of-Day NAV

February 4, 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 January 22, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule amendment to allow the Invesco Focused Discovery Growth ETF and Invesco Select Growth ETF (each a ''Fund'' and, collectively, the ''Funds''), each a series of the Invesco Actively Managed Exchange-Traded Fund Trust (the ''Trust''), to strike and publish multiple intra-day net asset values (''NAVs'') and an end-of-day NAV. The shares of each Fund (the ''Shares'') would continue to comply with all of the listing standards set forth under Rule 14.11(m).

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposed and the Commission approved a rule to permit the listing and trading of the Shares of each Fund.[3] On December 22, 2020, the Exchange commenced trading in the Shares of each Fund. The Exchange now proposes to continue listing and trading the Shares of each Fund pursuant to Rule 14.11(m) and to permit the Funds to strike and publish multiple intra-day NAVs and an end-of-day NAV. This proposal is designed to provide the marketplace with additional information about the Funds and their respective holdings and the Exchange believes it will allow market participants to better estimate the value each Fund's underlying holdings, assess their risk, and provide additional certainty around intra-day price and hedging for the Funds' shares.

The NAV represents the value of a fund's assets minus its liabilities divided by the number of shares outstanding and is used in valuing exchange-traded products (''ETPs''), including Tracking Fund Shares. By way of background, an ETP issues shares that can be bought or sold throughout the day in the secondary market at a market-determined price. Authorized participants that have contractual arrangements with the ETP (or its distributor) purchase and redeem ETP shares directly from the ETP in blocks called creation units at a price equal to the next NAV, and may then purchase or sell individual ETP shares in the secondary market at market-determined prices. ETPs trade at market prices, but the market price typically will be more or less than the fund's

[3] *See* Securities Exchange Act Release No. 90684 (December 16, 2020) 85 FR 83637 (December 22, 2020) (SR–CboeBZX–2020–091) (the ''Initial Filing'').

NAV per share due to a variety of factors, including the underlying prices of the ETP's assets and the demand for the ETP. Nonetheless, an ETP's market price is generally kept close to the ETP's end-of-day NAV because of the arbitrage function inherent to the structure of the ETP. An arbitrage opportunity is inherent in the ETP structure because the ETP's intra-day market price fluctuates during the trading day. Due to this fluctuation, the ETP's intra-day market price may not equal the ETP's end-of-day NAV. Authorized participants can arbitrage this difference (and make a profit) because they can trade directly with the ETP at NAV [4] as well as on the market at market-determined prices. The expected result of the arbitrage activity is that the market value of the ETP moves back in line with the ETP's NAV per share and investors are able to buy ETP shares on an exchange that is close to the ETP's NAV per share. The arbitrage mechanism is important because it provides a means to maintain a close tie between market price and NAV per share of the ETP, thereby helping to ensure that ETP investors are treated equitably when buying and selling fund shares.

In order for the arbitrage mechanism described above to operated efficiently, market participants need to be able to estimate, with high accuracy, the value of the ETP's holdings, such that it can then observe instances when the value of such holdings, on a per-share basis, is higher or lower than the current trading price of the shares on an exchange. In the case of Tracking Fund Shares, the applicable ETP disseminates various information to achieve that goal, while not publishing a full list of fund holdings daily.[5] In general, the more information that is available to assist the market participants in estimating the value of the fund's holdings, the better the arbitrage mechanism will operate with respect to the Tracking Fund Shares.

Generally, ETPs must calculate the NAV at least once every business day, which is typically done at market close (*i.e.,* 4 p.m. ET).[6] Indeed, Exchange Rules reference the fact that NAV of a series of Tracking Fund Shares is calculated at the end of the business day.[7] Now, the Exchange is proposing to allow the Funds to strike and publish the NAV per Share for each of the Funds more than once daily.[8]

As noted in the Initial Filing, Shares of each of the Funds are offered by the Trust, which is registered with the Commission as an open-end investment company and has filed a registration statement on behalf of the Funds on Form N–1A with the Commission.[9] The Exemptive Relief and Registration Statement provide that the Funds may calculate the NAV per Share more than once daily (*e.g.,* at 12 p.m. ET and 4:00 p.m. ET), however, the Initial Filing did not seek to allow the Funds to calculate more than one NAV per day. Now, the Exchange is seeking approval to explicitly allow the Funds to strike and publish the NAV per Share more than once daily.

As explained above, the calculation of NAV provides the basis for arbitrage, which is an instrumental mechanism in ensuring ETP investors are treated equitably when buying and selling fund shares. The Funds seek to further reduce market participants' risk and to provide intra-day price certainty by striking and publishing its NAV more than once during each Business Day.[10] Currently, and by way of example, the Fund anticipates it will strike a NAV once during normal trading at 12:00 p.m. ET (an ''Intra-Day NAV'') and again at the close of trading at 4:00 p.m. ET (the ''End-of-Day NAV'' and collectively, the ''Published NAVs''); however, the Fund may strike and publish multiple Intra-Day NAVs. If a Fund strikes an Intra-Day NAV, market participants will have the choice of purchasing or redeeming Shares at either of the Published NAVs pursuant to the applicable purchase and redemption order processes and requirements, understanding that the Fund will always process purchase and sales consistent with the next NAV struck following the purchase or sale request. The Exchange believes that providing market participants with the ability to create and redeem during the trading day, coupled with the information available to market participants, will reduce the risk that market participants face intra-day related to the possible divergence between the Tracking Basket [11] and the value of the Fund's underlying holdings, which should enable them to reduce spreads on Shares. Market participants will be able to ''lock in'' their creation and redemption transactions during the trading day at an Intra-Day NAV, and at the end of the trading day at the End-of-Day NAV. As proposed, the Funds will continue to meet all listings standards provided in Rule 14.11(m). The only change to the Funds that the Exchange is proposing is to allow the Funds to strike multiple Intra-Day NAVs. All other material representations contained within the Initial Filing remain true and will continue to constitute continued listing requirements for the Funds.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [12] in general and Section 6(b)(5) of the Act [13] 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 in that the Shares of each Fund will meet each of the continued listing criteria in BZX Rule 14.11(m), as provided in the Initial Filing.

The proposal to allow the Funds to strike and publish multiple intra-day NAVs will provide the marketplace with additional information related to each

[4] An open-end fund is required by law to redeem its securities on demand from shareholders at a price approximately the proportionate share of the fund's NAV at the time of redemption. *See* 15 U.S.C. 80a–22(d).

[5] As noted in the Initial Filing, each Fund will disclose the Tracking Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Each Fund will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act.

[6] *See* 17 CFR 270.22c–1.

[7] *See* Exchange Rule 14.11(m)(3)(B).

[8] The Exchange's proposal is similar to functionality offered for other ETPs. For example, the prospectus for the Invesco Treasury Collateral ETF provides that the Fund is calculated at 12 p.m. and 4 p.m. ET every day the New York Stock Exchange (''NYSE'') is open. *See http://hosted.rightprospectus.com/Invesco/Fund.aspx?cu=46138G888&dt=P&ss=ETF.*

[9] The Trust is registered under the 1940 Act. On September 25, 2020, the Trust filed post-effective amendments to its registration statement on Form N–1A relating to each Fund (File No. 811–22148) (the ''Registration Statement''). The descriptions of the Funds and the Shares contained herein are based, in part, on information included in the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust (the ''Exemptive Relief'') under the 1940 Act. *See* Investment Company Act of 1940 Release No. 34127 (December 2, 2020).

[10] *See* the Exemptive Relief.

[11] As defined in Rule 14.11(m)(3)(E), the term ''Tracking Basket'' means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the Investment Company Act of 1940 applicable to a series of Tracking Fund Shares.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

Fund's underlying holdings on an intraday basis, which the Exchange believes will allow market participants to better assess their risk and provide additional certainty around intra-day price and hedging. The Exchange believes that this additional information will reduce the risk that market participants face intra-day, which will encourage tighter spreads and deeper liquidity in Shares of the Funds, to the benefit of investors. The only change to the Funds that the Exchange is proposing is to allow the Funds to strike multiple Intra-Day NAVs. All other material representations contained within the Initial Filing remain true and will continue to constitute continued listing requirements for the Funds.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 purpose of the Act. The Exchange notes that the proposed rule change, rather, will provide additional information to market participants thereby reducing market participants risk and intra-day price uncertainty which will allow the Fund to better compete in the marketplace, thus enhancing competition among both market participants and listing venues, to the benefit of investors and the marketplace.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period *up to 90 days* (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the 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–2021–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2021–0*14.* 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–2021–014 and should be submitted on or before March 3, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02713 Filed 2–9–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91056; File No. SR–NASDAQ–2020–028]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend IM–5101–1 (Use of Discretionary Authority) To Apply Additional or More Stringent Criteria to an Applicant or Listed Company Based on Considerations Related to the Company's Auditor or When a Company's Business Is Principally Administered in a Jurisdiction That Is a Restrictive Market

February 4, 2021.

On May 19, 2020, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend IM–5101–1 (Use of Discretionary Authority) to deny listing or continued listing or to apply additional and more stringent criteria to an applicant or listed company based on considerations related to the company's auditor or when a company's business is principally administered in a jurisdiction that has secrecy laws, blocking statutes, national security laws, or other laws or regulations restricting access to information by regulators of U.S.-listed companies in such jurisdiction. The proposed rule change was published for comment in the **Federal Register** on June 8, 2020.[3] On July 20, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88987 (June 2, 2020), 85 FR 34774. Comments on the proposed rule change can be found on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2020-028/srnasdaq2020028.htm.*

[4] 15 U.S.C. 78s(b)(2).

rule change.[5] On September 2, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.[7] On November 6, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[8] On December 2, 2020, the Commission extended the period for consideration of the proposed rule change to February 3, 2021.[9] On February 1, 2021, the Exchange withdrew the proposed rule change (SR–NASDAQ–2020–028).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02707 Filed 2–9–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–34188; File No. S7–01–21]

Request for Comment on Potential Money Market Fund Reform Measures in President's Working Group Report

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment.

SUMMARY: The Securities and Exchange Commission (the ''SEC'' or the ''Commission'') is seeking comment on potential reform measures for money market funds, as highlighted in a recent report of the President's Working Group on Financial Markets (''PWG''). Public comments on the potential policy measures will help inform consideration of reforms to improve the resilience of money market funds and broader short-term funding markets.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/submitcomments.htm*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. S7–01–21 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–01–21. 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 of submission. The Commission will post all comments on the Commission's website (*http://www.sec.gov*). Typically, 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. Due to pandemic conditions, however, access to the Commission's public reference room is not permitted at this time. 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 publicly available.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this request for comment. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

DATES: Comments should be received on or before April 12, 2021.

FOR FURTHER INFORMATION CONTACT: Adam Lovell or Elizabeth Miller, Senior Counsels; Angela Mokodean, Branch Chief; Thoreau Bartmann, Senior Special Counsel; Viktoria Baklanova, Senior Financial Analyst; or Brian Johnson, Assistant Director, at (202) 551–6792, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION:

I. The President's Working Group Report

The PWG has studied the effects of the growing economic concerns related to the COVID–19 pandemic in March 2020 on short-term funding markets and, in particular, on money market funds.[1] The results of this study are included in the report issued on December 22, 2020 and attached to this release as an Appendix (the ''Report'').[2] The Report provides an overview of prior money market fund reforms in 2010 and 2014, as well as how different types of money market funds have evolved since the 2008 financial crisis.[3] The Report then discusses events in certain short-term funding markets in March 2020, focusing on money market funds. In reviewing the events of March 2020, the Report discusses significant outflows from prime and tax-exempt money market funds that occurred and how these funds experienced, and began to contribute to, general stress in short-term funding markets before the Federal Reserve, with the approval of the Department of the Treasury, established facilities to support short-term funding markets, including money market funds. The Report observes that these events occurred despite prior reform efforts to make money market funds more resilient to credit and liquidity stresses and, as a result, less susceptible to redemption-driven runs. Accordingly,

[5] *See* Securities Exchange Act Release No. 89344, 85 FR 44951 (July 24, 2020). The Commission designated September 6, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 89739, 85 FR 55708 (September 9, 2020).

[8] Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2020-028/srnasdaq2020028.htm.*

[9] *See* Securities Exchange Act Release No. 90549, 85 FR 79048 (December 8, 2020).

[10] 17 CFR 200.30–3(a)(12).

[1] The PWG is chaired by the Secretary of the Treasury and includes the Chair of the Board of Governors of the Federal Reserve System, the Chair of the SEC, and the Chair of the Commodity Futures Trading Commission. For a detailed discussion of the structure and significance of short-term funding markets and the effects of the COVID–19 shock, as well as the effects of monetary and fiscal measures, *see* SEC staff report, ''U.S. Credit Markets Interconnectedness and the Effects of COVID–19 Economic Shock,'' (October 2020) (''SEC Staff Interconnectedness Report''), *available at https://www.sec.gov/files/US-Credit-Markets_COVID-19_Report.pdf.* The SEC Staff Interconnectedness Report also discusses the effects of the March 2020 market stress on money market funds, including heavy outflows from prime and tax-exempt money market funds and significant inflows for government money market funds.

[2] The Report is also available at *https://home.treasury.gov/system/files/136/PWG-MMF-report-final-Dec-2020.pdf.*

[3] *See* Money Market Fund Reform, Investment Company Act Release No. 29132 (Feb. 23, 2010) [75 FR 10060 (Mar. 4, 2010)] (amending rule 2a–7 under the Investment Company Act of 1940 (the ''Act'') to, among other things, enhance transparency and reduce credit, liquidity, and interest rate risks of money market fund portfolios); Money Market Fund Reform; Amendments to Form PF, Investment Company Act Release No. 31166 (July 23, 2014) [79 FR 47736 (Aug. 14, 2014)] (amending rule 2a–7 under the Act to address risks stemming from investor runs, including a floating NAV requirement for all prime and tax-exempt money market funds sold to institutional investors and the provision of new gate and fee tools for all prime and tax-exempt money market funds, including retail funds).

the Report concludes that the events of March 2020 show that more work is needed to reduce the risk that structural vulnerabilities in prime and tax-exempt money market funds will lead to or exacerbate stresses in short-term funding markets. The Report discusses various reform measures that policy makers could consider to improve the resilience of prime and tax-exempt money market funds and broader short-term funding markets. Many of the measures discussed in the Report could be implemented by the Commission under our existing statutory authority, while others may require coordinated action by multiple agencies or the creation of new private entities.[4] Moreover, relevant money market funds could likely implement some of the potential reform measures fairly quickly, while other measures would involve longer-term structural changes.

II. Request for Comment

The Commission requests comments on the Report. Comments received will enable the Commission and other relevant financial regulators to consider more comprehensively the potential policy measures the Report identifies and help inform possible money market fund reforms.[5] Following the comment period, we anticipate conducting discussions with various stakeholders, interested persons, and regulators to discuss the options in the Report and the comments we receive.

We request comment on the potential policy measures described in the Report both individually and in combination. We also request comment on the effectiveness of previously-enacted money market fund reforms, and the effectiveness of implementing policy measures described in the Report in addition to, or in place of, previously-enacted reforms. Commenters should address the effectiveness of the measures in: (1) Addressing money market funds' structural vulnerabilities that can contribute to stress in short-term funding markets; (2) improving the resilience and functioning of short-term funding markets; and (3) reducing the likelihood that official sector interventions will be needed to prevent or halt future money market fund runs, or to address stresses in short-term funding markets more generally. Commenters also may address the potential impact of the measures on money market fund investors, fund managers, issuers of short-term debt, and other stakeholders. In addition, we are interested in comments on other topics commenters believe are relevant to further money market fund reform, including other approaches for improving the resilience of money market funds and short-term funding markets generally. We encourage commenters to submit empirical data and other information in support of their comments.

By the Commission.

Dated: February 4, 2021.

Vanessa A. Countryman,

Secretary.

Report of the President's Working Group on Financial Markets

Overview of Recent Events and Potential Reform Options for Money Market Funds

December 2020

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I. Overview

In March 2020, short-term funding markets came under sharp stress amid growing economic concerns related to the COVID–19 pandemic and an overall flight to liquidity and quality among investors. Instruments underlying these markets include short-term U.S. Treasury securities, short-term agency securities, short-term municipal securities, commercial paper (''CP''), and negotiable certificates of deposit issued by domestic and foreign banks (''NCDs''). Money market funds (''MMFs'') are significant participants in these markets, facilitating investment by a broad range of individuals and institutions in the relevant short-term instruments. Because these short-term instruments tend to have relatively stable values and MMFs offer daily redemptions, investors in MMFs often expect to receive immediate liquidity with limited price volatility. However, in times of stress, these expectations may not match market conditions, causing investors to seek to liquidate

[4] For example, certain policy measures discussed in the Report, such as requiring prime and tax-exempt money market funds to be members of a private liquidity exchange bank, may require rulemaking by the Commission as well as regulatory action from the Federal Reserve or other banking regulators.

[5] A Commission staff statement also requested comment on the Report. *See* Staff Statement on the President's Working Group Report on Money Market Funds (Dec. 23, 2020), *available at https://www.sec.gov/news/public-statement/blass-pwg-mmf-2020-12-23.* With the issuance of this Commission request for comment, commenters are encouraged to submit comments to File No. S7–01–21 by following the instructions at the beginning of this release.

their positions in MMFs. These investor actions, which are motivated by both the expectation-market condition mismatch and the structural vulnerabilities of MMFs, can amplify market stress more generally.[6]

The economic and public policy considerations raised by this dynamic among investors, MMFs, and short-term funding markets are multi-faceted and significant. The orderly functioning of short-term funding markets is essential to the performance of broader financial markets and our economy more generally. It is the role of financial regulators to identify and address market activities that have the potential to impair that orderly functioning. Crafters of public policy and financial regulation also must recognize that the broad availability of short-term funding is critical to short-term funding markets and, for many decades, prime and tax-exempt MMFs have been an important source of demand in these markets although their market share has decreased and assets shifted toward government MMFs in the past decade. In addition, the participation of retail investors in MMFs raises considerations of fairness and consumer confidence, particularly in times of unanticipated stress, that can affect regulatory and public policy responses.

These dynamics and policy considerations were brought into stark relief in March 2020. While government MMFs saw significant inflows during this time, the prime and tax-exempt MMF sectors faced significant outflows and increasingly illiquid markets for the funds' assets. As a result, prime and tax-exempt MMFs experienced, and began to contribute to, general stress in short-term funding markets in March 2020. For example, as pressures on prime and tax-exempt MMFs worsened, two MMF sponsors intervened to provide support to their funds. It did not appear that these funds had idiosyncratic holdings or were otherwise distinct from similar funds and, accordingly, it was reasonable to conclude that other MMFs could need similar support in the near term. These events occurred despite multiple reform efforts over the past decade to make MMFs more resilient to credit and liquidity stresses and, as a result, less susceptible to redemption-driven runs. When the Federal Reserve quickly took action in mid-March by establishing, with Treasury approval, the Money Market Mutual Fund Liquidity Facility (''MMLF'') and other facilities to support short-term funding markets generally and MMFs specifically, prime and tax-exempt MMF outflows subsided and short-term funding market conditions improved.[7]

Prime and tax-exempt MMFs have been supported by official sector intervention twice over the past twelve years. In September 2008, there was a run on certain types of MMFs after the failure of Lehman Brothers caused a large prime MMF that held Lehman Brothers short-term instruments to sustain losses and ''break the buck.'' [8] During that time, prime MMFs experienced significant redemptions that contributed to dislocations in short-term funding markets, while government MMFs experienced net inflows. Ultimately, the run on prime MMFs abated after announcements of a Treasury guarantee program for MMFs and a Federal Reserve facility designed to provide liquidity to MMFs.[9] Subsequently, the Securities and Exchange Commission (''SEC'') adopted reforms (in 2010 and 2014) that were designed to address the structural vulnerabilities that became apparent in 2008.

Because prime and tax-exempt MMFs again have shown structural vulnerabilities that can create or transmit stress in short-term funding markets, it is incumbent upon financial regulators to examine the events of March 2020 closely, and in particular the role, operation, and regulatory framework for these MMFs, with a view toward potential improvements. In addition, absent regulatory reform or other action that alters market expectations, these prior official sector interventions may have the consequence of solidifying the perception among investors, fund sponsors, and other market participants that similar support will be provided in future periods of stress.

With that history and context, this report by the President's Working Group on Financial Markets (''PWG'') begins the important process of review and assessment.[10] After providing background on MMFs and prior reforms, the report discusses events in certain short-term funding markets in March 2020, focusing on MMFs. The report then discusses various measures that policy makers could consider to improve the resilience of MMFs and broader short-term funding markets.[11] This report is meant to facilitate discussion. The PWG is not endorsing any given measure at this time.

II. Background

A. Money Market Funds—Structure, Asset Types, and Investor Characteristics

MMFs are a type of mutual fund registered under the Investment Company Act of 1940 (the ''Act'') and regulated under rule 2a–7 of the Act. MMFs offer a combination of limited principal volatility, liquidity, and payment of short-term market returns, which make them a popular cash management vehicle for both retail and institutional investors. These funds also serve as an important source of short-term financing for businesses and financial institutions, as well as federal, state, and local governments.

Overall, MMFs tend to invest in short-term, high-quality debt instruments that typically are held to maturity and

[6] For a more detailed discussion of the structure and significance of short-term funding markets and the effects of the COVID–19 shock, as well as the effects of monetary and fiscal measures, *see* SEC staff report, ''U.S. Credit Markets Interconnectedness and the Effects of COVID–19 Economic Shock,'' (October 2020) (''SEC Staff Interconnectedness Report''), *available at https://www.sec.gov/files/US-Credit-Markets_COVID-19_Report.pdf;* Board of Governors of the Federal Reserve System, ''Financial Stability Report,'' (November 2020) at pp. 13–14, *available at https://www.federalreserve.gov/publications/files/financial-stability-report-20201109.pdf.*

[7] The MMLF makes loans available to eligible financial institutions secured by high-quality assets the financial institution purchased from MMFs. The MMLF also received $10 billion in credit protection from the Treasury's Exchange Stabilization Fund. Other relevant Federal Reserve facilities include, among others: (1) The Commercial Paper Funding Facility (''CPFF''), which provides a liquidity backstop to U.S. issuers of commercial paper; and (2) the Primary Dealer Credit Facility (''PDCF''), which provides funding to primary dealers in exchange for a broad range of collateral.

[8] A number of other funds that suffered losses in 2008 avoided breaking the buck because they received sponsor support. *See* Money Market Fund Reform; Amendments to Form PF, Investment Company Act Release No. 31166 (July 23, 2014) [79 FR 47736 (Aug. 14, 2014)] (''SEC 2014 Reforms'') at Section II.B.4, *available at https://www.sec.gov/rules/final/2014/33-9616.pdf; See also* Steffanie A. Brady, Kenechukwu E. Anadu, and Nathaniel R. Cooper, ''The Stability of Prime Money Market Mutual Funds: Sponsor Support from 2007 to 2011,'' Federal Reserve Bank of Boston Supervisory Research and Analysis Working Papers (2012), *available at https://www.bostonfed.org/publications/risk-and-policy-analysis/2012/the-stability-of-prime-money-market-mutual-funds-sponsor-support-from-2007-to-2011.aspx.* For a description of the term ''break the buck,'' *see* Section II.A, below.

[9] For a more detailed discussion of the MMF-related events in 2008, *see* Report of the President's Working Group on Financial Markets, ''Money Market Fund Reform Options,'' (October 2010) (''2010 PWG Report''), *available at https://www.treasury.gov/press-center/press-releases/Documents/10.21%20PWG%20Report%20Final.pdf.*

[10] The PWG is chaired by the Secretary of the Treasury and includes the Chair of the Board of Governors of the Federal Reserve System, the Chair of the Securities and Exchange Commission, and the Chair of the Commodity Futures Trading Commission.

[11] Given jurisdictional differences, this report is not intended to cover events in other jurisdictions or to suggest a uniform international approach to policy changes.

fluctuate very little in value under normal market conditions. However, from fund to fund, MMFs vary significantly. They hold different types of investments, serve investors of different types (*i.e.,* institutional and retail), and pursue different investment objectives. For example, tax-exempt MMFs hold short-term state and local government and municipal securities, while government MMFs almost exclusively hold obligations of the U.S. government, including obligations of the U.S. Treasury and federal agencies and instrumentalities, as well as repurchase agreements collateralized fully by government securities. Traditionally, prime MMFs invest mostly in private debt instruments, including CP and NCDs. With regard to investor characteristics, there are three types of MMFs: (1) Retail MMFs, which are limited to retail investors; (2) publicly-offered institutional MMFs, which are held primarily by institutional investors and offered broadly to the public; and (3) non-publicly-offered institutional MMFs.[12] Variations in portfolio holdings also correspond with investor-specific factors such as taxing jurisdictions and, to some extent, risk/return preferences.

Another significant difference among different types of MMFs is how they price the purchase and redemption of their shares. All government MMFs, as well as retail prime and retail tax-exempt MMFs, are permitted to price their shares at a stable net asset value (''NAV'') per share (typically $1.00) without regard to small variations in the value of the assets in their portfolios. These MMFs must periodically compare their stable NAV per share to the market-based value per share of their portfolios (or ''market-based price''). If the deviation between these two values exceeds one-half of one percent (50 basis points), the fund's board must consider what action, if any, to take, including whether to adjust the fund's share price. If the repricing is below the fund's $1.00 share price, the event is commonly called ''breaking the buck.'' In light of the importance investors place on a stable $1.00 share price, such an action can lead to a loss of confidence in the fund and, if it is expected to extend beyond one fund, could lead to a loss of confidence in all similar funds. As discussed below, following the SEC's 2014 reforms, institutional prime and institutional tax-exempt MMFs are required to price their shares using a floating NAV, which reflects the market value of the fund's investments and any changes in that value, thus reducing the risk of an adverse signaling effect from ''breaking the buck.''

As investors commonly use MMFs for principal preservation and as a cash management tool, many MMF investors may have a low tolerance for losses and liquidity limitations. However, MMFs offer shareholder redemptions on at least a daily basis (and in some cases at a stable NAV), even though a potentially significant portion of portfolio assets may not be converted into cash in that timeframe without a reduction in value. When the MMF does have to sell portfolio assets at a discount, the fund's remaining shareholders generally bear those losses. These factors can lead to greater redemptions if investors believe they will be better off by redeeming earlier than other investors—a so-called ''first mover'' advantage—when there is a perception that the fund may suffer a loss in value or liquidity. Historically, amid periods of stress for MMFs, institutional investors, who may have large holdings and the resources to monitor risks carefully, have redeemed shares more rapidly and extensively than retail investors.

B. 2010 and 2014 Reforms

The SEC has implemented a number of reforms over the past decade aimed at making MMFs more resilient to credit and liquidity stresses and addressing structural vulnerabilities in MMFs that were evident in the 2008 financial crisis, particularly the substantial reforms the SEC adopted in 2010 and 2014.[13] The 2010 reforms focused on, among other things, enhancing transparency and reducing credit, liquidity, and interest rate risks of fund portfolios to make MMFs more resilient and, in the case of stable NAV funds, less likely to break the buck. For example, the amendments introduced new liquidity requirements: At the time an MMF acquires an asset, it must hold at least 10 percent of its total assets in daily liquid assets (''DLA'') and at least 30 percent of its total assets in weekly liquid assets (''WLA'').[14] These requirements are designed to work in combination and ensure that a MMF has the legal right to receive enough cash within one or five business days to satisfy redemption requests. To address credit risks, the amendments added a new 120-day limit on funds' portfolio weighted average life to limit exposure to credit spreads, as well as a reduction in the limit on funds' portfolio weighted average maturity from 90 days to 60 days to limit interest rate risk.[15] The 2010 reforms increased transparency by requiring MMFs to publicly disclose portfolio holdings each month. In addition, the amendments addressed other important issues such as stress testing, orderly fund liquidation, and repurchase agreements.

The SEC's subsequent 2014 reforms focused on the structural vulnerabilities that make MMFs susceptible to runs and provided tools intended to slow runs should they occur.[16] These reforms included a floating NAV requirement for all prime and tax-exempt MMFs sold to institutional investors as a means of mitigating first mover advantages for investors who redeem from these funds when the value of their assets decline. Under the floating NAV requirement, these MMFs must sell and redeem their shares at prices based on the current market-based value of the assets in their underlying portfolios rounded to the fourth decimal place (*e.g.,* $1.0000). Prior to the 2014 reforms, rule 2a–7

[12] For example, funds not offered to the public include ''central'' funds that asset managers use for internal cash management.

[13] *See* Money Market Fund Reform, Investment Company Act Release No. 29132 (Feb. 23, 2010) [75 FR 10060 (Mar. 4, 2010)] (''SEC 2010 Reforms''), *available at https://www.sec.gov/rules/final/2010/ic-29132.pdf;* SEC 2014 Reforms.

[14] All MMFs are subject to these DLA and WLA standards, except tax-exempt MMFs are not subject to DLA standards due to the nature of the markets for tax-exempt securities and the limited supply of securities with daily demand features. If a MMF's portfolio does not meet the minimum DLA or WLA standards, it is not in violation of rule 2a–7. However, it may not acquire any assets other than DLA or WLA until it meets these minimum standards.

Daily liquid assets are: Cash; direct obligations of the U.S. government; certain securities that will mature (or be payable through a demand feature) within one business day; or amounts unconditionally due within one business day from pending portfolio security sales. *See* rule 2a–7(a)(8).

Weekly liquid assets are: Cash; direct obligations of the U.S. government; agency discount notes with remaining maturities of 60 days or less; certain securities that will mature (or be payable through a demand feature) within five business days; or amounts unconditionally due within five business days from pending security sales. *See* rule 2a–7(a)(28).

[15] *See* SEC staff report, ''Response to Questions Posed by Commissioners Aguilar, Paredes, and Gallagher,'' (November 2012) at pp. 18–30, *available at http://www.sec.gov/news/studies/2012/money-market-funds-memo-2012.pdf.*

[16] Prior to the 2014 reforms, the Financial Stability Oversight Council (''FSOC'') proposed recommendations regarding MMF reforms to address structural vulnerabilities of MMFs that the SEC's 2010 reforms did not address. These proposed recommendations, which FSOC made pursuant to Section 120 of the Dodd-Frank Act, included alternatives on a floating NAV, a risk-based NAV buffer of 3 percent to provide explicit loss-absorption capacity, and a minimum balance at risk. *See* Financial Stability Oversight Council, ''Proposed Recommendations Regarding Money Market Mutual Fund Reform,'' (November 2012) (''FSOC Proposed Recommendations''), *available at https://www.treasury.gov/initiatives/fsoc/Documents/Proposed%20Recommendations%20Regarding%20Money%20Market%20Mutual%20Fund%20Reform%20-%20November%2013,%202012.pdf.*

permitted these funds to maintain a stable NAV per share like all other MMFs.

In addition, to provide tools to slow an investor run should it occur, the 2014 reforms provided new fee and gate tools for all prime and tax-exempt MMFs, including retail funds.[17] Under the fee and gate provisions, boards of these MMFs are permitted to impose liquidity (redemption) fees of up to 2 percent or to temporarily suspend redemptions if the fund's WLA falls below the 30 percent minimum required. In addition, funds must impose a 1 percent liquidity fee if WLA falls below 10 percent of total assets, unless the fund's board determines that imposing the fee is not in the best interests of the fund. Liquidity fees provide investors continued access to cash redemptions but may reduce the incentive to redeem. Gates, on the other hand, stop redemptions altogether for up to ten business days but may cause investors to seek a first mover advantage and redeem in advance of the imposition of gates.

Further, the 2014 amendments enhanced transparency for MMF investors and provided information about important MMF events more uniformly and efficiently. For instance, the amendments required MMFs to promptly report certain significant events in filings with the SEC, including the imposition or removal of fees or gates, portfolio security defaults, the use of sponsor support, and a fall in a retail or government MMF's market-based price per share below $0.9975. The 2014 reforms also generally required website disclosure of these events, as well as daily website disclosure of a fund's DLA, WLA, market-based NAV, and net flows. In addition, the reforms addressed MMF diversification and valuation practices.

C. State of the Money Market Fund Industry Following the 2008 Financial Crisis

Since 2008, the composition of the MMF sector has changed substantially, and the industry continued to evolve through 2020. Chart 1 provides information about changes in net assets by type of MMF, while Chart 2 provides more detail about subcategories of prime and tax-exempt MMFs (*i.e.*, retail and institutional funds). As of September 30, 2020, total industry net assets were $4.9 trillion, down slightly from an all-time high of $5.2 trillion in May 2020 (see Chart 1).

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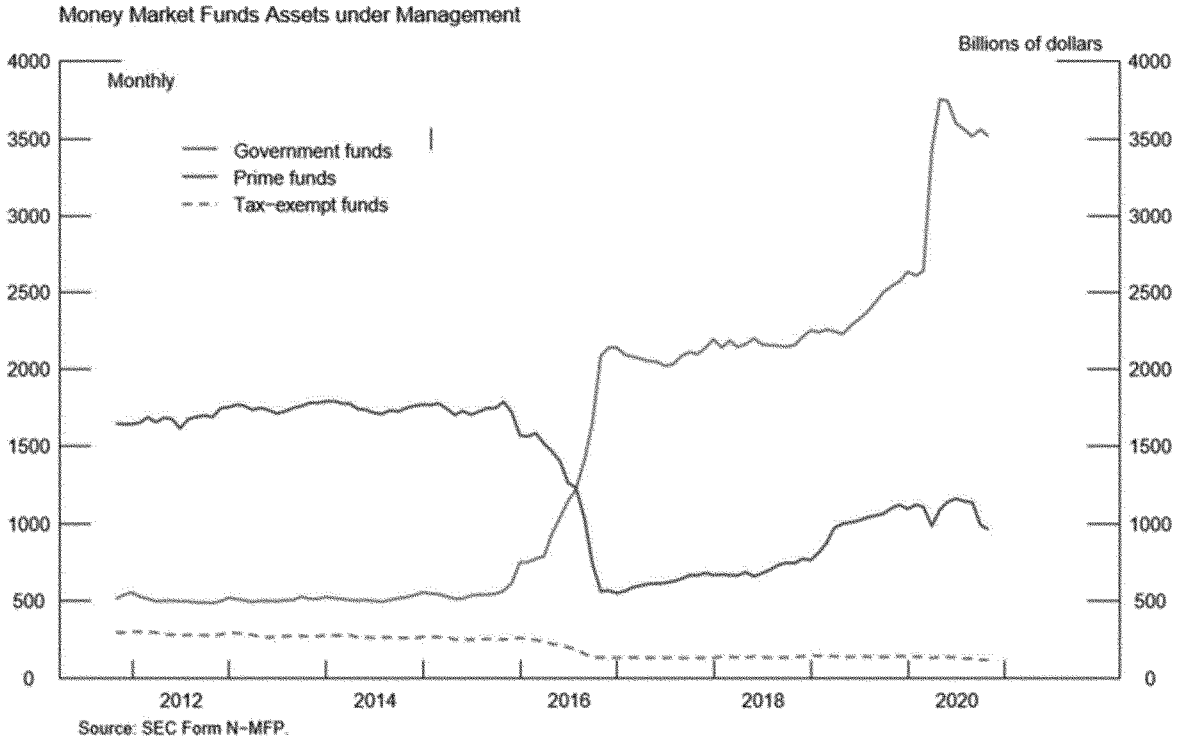
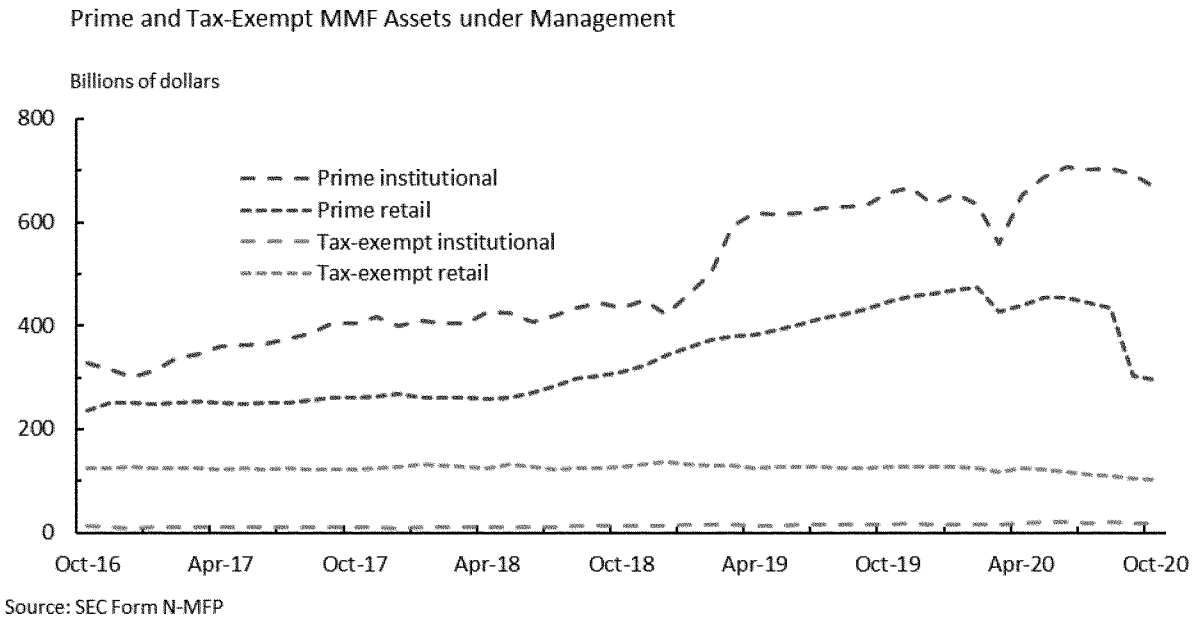
Chart 1



[17] Government MMFs are permitted (but not required) to adopt fee and gate provisions.

Chart 2[18]



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The assets of government MMFs (the blue line in Chart 1), which were under $1 trillion in August 2008, have grown considerably since then. Much of the growth occurred in 2016, when government MMF assets increased more than $1 trillion as investors shifted money from prime and tax-exempt MMFs, which were required, starting in October 2016, to implement the more significant aspects of the 2014 reforms.[19] In March 2020, government MMF assets increased by $840 billion to $3.6 trillion, and their assets reached nearly $4.0 trillion at the end of April. As of September 2020, government MMFs accounted for 77 percent of industry net assets.

The net assets of prime MMFs (the red line in Chart 1) contracted substantially in the year leading up to the October 2016 deadline for implementing the 2014 MMF reforms and were $550 billion in December 2016. By February 2020, these funds' assets had recovered to $1.1 trillion, but their assets fell $125 billion on net in March. As of September 2020, prime MMFs accounted for around 20 percent of industry net assets.

Net assets in tax-exempt MMFs (the dashed green line in Chart 1) have also declined since 2008, when these funds had net assets exceeding $500 billion. Tax-exempt funds' assets fell $120 billion in the year before October 2016 and were about $135 billion at the end of 2016. By February 2020, tax-exempt fund assets were about $140 billion, and they declined $9 billion in March 2020. The vast majority of tax-exempt MMF net assets are in retail funds (see Chart 2). Tax-exempt MMFs represent under three percent of total industry net assets as of September 2020.

III. Events in March 2020

Amid escalating concerns about the economic impact of the COVID–19 pandemic in March 2020, market participants sought to rapidly shift their holdings toward cash and short-term government securities. This rapid shift in asset allocation preferences placed stress on various components of short-term funding markets, including prime and tax-exempt MMFs, the repo markets, the CP market, and short-term municipal securities markets (including the market for variable-rate demand notes (''VRDNs'')). As discussed in more detail below, pressures on prime and tax-exempt MMFs again revealed structural vulnerabilities in MMFs that led to increased redemptions and, in turn, began to contribute to and increase the general stress in short-term funding markets.

A. Stresses in Short-Term Funding Markets

Private short-term debt markets. In markets for private short-term debt instruments, such as CP and NCDs, conditions began to deteriorate rapidly in the second week of March. Spreads for instruments held by MMFs began widening sharply (see Chart 3). Specifically, spreads to overnight indexed swaps (''OIS'') for AA-rated nonfinancial CP reached new historical highs, while spreads for AA-rated financial CP and A2/P2-rated nonfinancial CP widened to the highest levels seen since the 2008 financial crisis. Along with widening spreads, new issuance of CP and NCDs declined markedly and shifted to short tenors. For instance, the share of CP issuance with overnight maturity climbed steadily to nearly 90 percent on March 23.

Pricing and liquidity concerns at MMFs were driven by, and began to contribute to, these market stresses. Widening spreads in short-term funding markets put downward pressure on the prices of assets in prime MMFs' portfolios, and redemptions from MMFs likely contributed to stress in these markets, as prime funds reduced their CP holdings disproportionately compared to other holders. At the end of February, prime MMFs offered to the public owned about 19 percent of outstanding CP.[20] From March 10 to

[18] The 2014 amendments introduced a regulatory definition of a retail MMF (and implemented it in 2016). Because data on institutional and retail MMFs prior to October 2016 may not be entirely comparable with current statistics, Chart 2 does not include data on retail and institutional MMFs prior to October 2016.

The drop in prime retail MMF assets in September 2020 is the result of a large prime retail MMF converting to a government MMF.

[19] The compliance date for the floating NAV requirement for institutional prime and institutional tax-exempt MMFs and for the fee and gate provisions for all prime and tax-exempt funds was October 14, 2016.

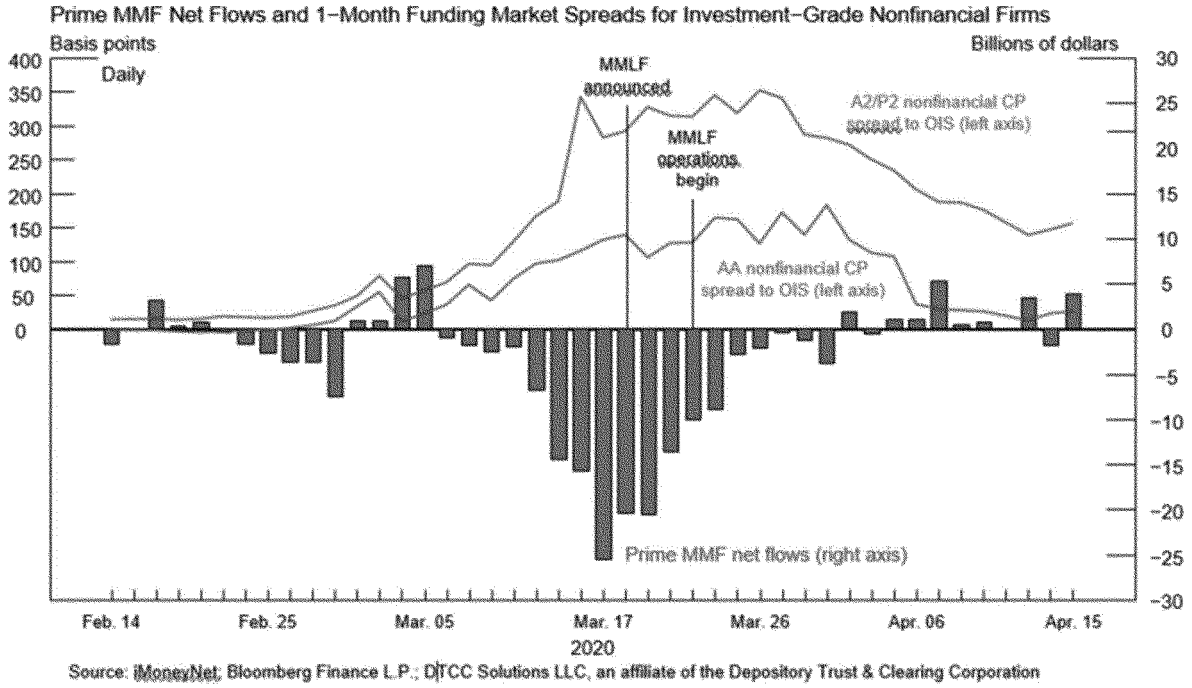
[20] Total CP outstanding at the end of February 2020 was $1.1 trillion (source: Federal Reserve). Holdings of publicly-offered prime funds are based

Continued

March 24, these funds cut their CP holdings by $35 billion. This reduction accounted for 74 percent of the $48 billion overall decline in outstanding CP over those two weeks.[21] In addition, MMFs with WLAs close to 30 percent were likely reluctant to purchase assets with maturities of more than 7 days that would not qualify as WLA to avoid going below the regulatory requirements.[22] Beyond MMFs, there were also other factors contributing to stress in CP markets, including outflows from other investment vehicles that invest in these markets (see below).

Some market participants have suggested that another contributing factor to stress in CP markets was that dealers in CP markets (as well as issuing dealers and banks) were experiencing their own liquidity pressures and limits on their willingness to intermediate in money markets.[23] Historically, however, because the vast majority of CP typically is held to maturity, dealers have not had a substantial role in making secondary markets in CP. This is also the case for other private short-term debt instruments that prime MMFs hold. Thus, there was no reason to expect dealers to take a materially increased intermediation role in these assets in March. There are also a large number of individual issues (*i.e.,* CUSIPs) in the private short-term debt markets, which adds complexity to intermediation.[24] In contrast to the private short-term debt markets, Treasury and agency securities markets have fewer CUSIPs, large daily trading volumes, and more liquid secondary markets, with primary dealers and others playing a large daily intermediation role in these markets.

Chart 3



Short-term municipal debt markets. Conditions in short-term municipal debt markets also worsened rapidly in mid-March. Similar to the relationship between the CP market and prime MMFs discussed above, stresses in short-term municipal markets contributed to pricing pressures and outflows for tax-exempt MMFs which, in turn, contributed to increased stress in municipal markets. Beginning on March 12, tax-exempt MMFs experienced unusually large redemptions, with outflows accelerating over the next week. In response, tax-exempt funds reduced their holdings of VRDNs by about 16 percent ($15 billion) in the two weeks from March 9 to March 23, with primary dealer VRDN inventories nearly tripling in the week ending March 18. VRDNs have a demand or tender feature that allows tax-exempt MMFs to require the tender agent to repurchase the security at par plus accrued interest. When a tax-exempt MMF tenders a VRDN, a remarketing agent typically remarkets the VRDN to other investors at a higher yield (and thus a lower price).

The redemption stresses on tax-exempt MMFs likely contributed to worsening conditions in short-term municipal debt markets. The SIFMA 7-day municipal swap index yield, a benchmark weekly rate in these markets, shot up 392 basis points on

on data from iMoneyNet. Total prime MMF holdings of CP, including internal funds that are not offered to the public, were 29 percent of outstanding CP at the end of February 2020 (source: SEC Form N–MFP).

[21] About $6 billion of the reduction in MMF holdings of CP during this time was pledged as collateral to the MMLF.

[22] Funds with WLAs below the 30 percent minimum threshold are prohibited from purchasing assets that are not WLAs, including CP and NCDs with maturities exceeding 7 days. On March 17 and 18, one prime MMF offered to institutional investors reported WLAs below 30 percent.

[23] For example, large customer sales increased dealers' inventories of Treasuries and mortgage-backed securities. Facing balance sheet constraints and internal risk limits amid the elevated volatility, dealers cut back on intermediation more generally.

[24] According to DTCC's Money Market Kinetics report as of March 31, 2020 (*available at https://www.dtcc.com/money-markets*), the 12-month average of daily settlements for fixed and floating rate CP was approximately $80 billion, although only a small share of this volume appears to have been secondary market transactions, and further analysis of secondary market activity is needed. As previously noted, there was approximately $1.1 trillion of total CP outstanding at the end of February 2020.

March 18, as remarketing agents offered VRDNs at higher yields in response to tax-exempt MMFs putting back their notes to tender agents. The spike in the SIFMA index yield caused a drop in market-based NAVs of tax-exempt MMFs (which mostly have stable, rounded NAVs).

B. Stresses on Prime and Tax-Exempt Money Market Funds and Other Money-Market Investment Vehicles

As part of the general deterioration in short-term funding market conditions, prime and tax-exempt MMFs experienced heavy redemptions beginning in the second week of March 2020. Outflows increased quickly, peaking on March 17 for prime funds (the day the Federal Reserve announced the CPFF) and on March 23 for tax-exempt funds (one business day after the Federal Reserve's MMLF was expanded to include tax-exempt securities).[25]

Institutional prime fund outflows. Among institutional prime MMFs offered to the public, outflows as a percentage of fund size exceeded those in the September 2008 crisis. However, the dollar amount of outflows from these funds was much smaller in March 2020, in part because their assets on the eve of the pandemic were less than one-quarter of their size on the eve of the 2008 crisis. Over the two-week period from March 11 to 24, net redemptions from publicly-offered institutional prime funds totaled 30 percent (about $100 billion) of the funds' assets, and these funds' outflows exceeded 5 percent of their assets on three consecutive days beginning on March 17. For comparison, in September 2008, the highest outflows from these funds over a two-week period were about 26 percent (about $350 billion) of assets.[26]

A sizable portion of the institutional prime fund sector's assets are in funds that are not offered to the public.[27] These non-public funds had smaller outflows than their publicly-offered counterparts, indicating that, on average, the former do not demonstrate the same vulnerabilities as funds that are offered publicly to a broad range of unaffiliated institutional investors. This difference may be attributable to investor characteristics as much as or more than the nonpublic nature of the offering. Outflows from non-public institutional prime funds totaled 6 percent ($17 billion) of assets from March 9 to March 20.[28]

Retail prime fund outflows. Although outflows from retail prime MMFs as a share of assets in March exceeded retail prime MMF outflows during the 2008 crisis, the March outflows from retail prime MMFs were smaller than outflows from institutional prime MMFs. The redemptions from retail prime MMFs in March began a couple of days after those for institutional funds. Net redemptions totaled 9 percent (just over $40 billion) of assets over the two weeks from March 13 to 26.[29] In September 2008, the heaviest retail outflows over a two-week period totaled 5 percent of assets. Retail prime funds had about 60 percent more assets in 2008 than in February 2020, so outflows were similar in dollar terms in both crises.[30] Some retail prime MMFs experienced declining market-based prices in March, but none of these funds reported a market-based price below $0.9975. Moreover, retail prime MMF flows in March 2020 appear to have been unrelated to market-based prices, as funds with lower market-based prices did not experience larger outflows than other retail prime MMFs.

Tax-exempt fund outflows and declining market-based prices. Outflows from tax-exempt MMFs, which are largely retail funds, were 8 percent ($11 billion) of assets during the two weeks from March 12 to 25.[31] In 2008, when tax-exempt MMF assets were more than four times larger than in February 2020, such funds had outflows of 7 percent (almost $40 billion) of assets in one two-week period. In March, some retail tax-exempt MMFs also had declining market-based prices. Although none of these funds broke the buck, one fund reported a market-based price below $0.9975. As with retail prime MMFs, there does not appear to have been a relationship between a decline in a particular retail tax-exempt MMF's market-based price and the size of its outflows.

Declining WLAs and relation to fees and gates. As prime funds experienced heavy redemptions, their WLAs declined, and some funds' WLAs (which must be disclosed publicly each day) approached or fell below the 30 percent minimum threshold that SEC rules require. Investor redemptions, which may have been further exacerbated by declining WLAs, can put additional pressure on fund liquidity during times of stress. As previously noted, when a fund's WLA falls below 30 percent, the fund can impose fees or gates on redemptions. Market participants reported concerns that the imposition of a fee or gate by one fund, as well as the perception that a fee or gate would be imposed by one fund, could spark widespread redemptions from other funds, leading to further stresses in the underlying markets. Although one institutional prime fund (with assets that declined from $3.8 billion at the end of February to $1.5 billion at the end of March) had WLAs below the 30 percent minimum, it did not impose a fee or gate in March.

Preliminary research indicates that prime fund outflows accelerated as WLAs declined, suggesting that the potential imposition of a fee or gate when a fund's WLA drops below 30 percent encouraged institutional investors to redeem before that threshold was crossed.[32] Additionally, some market participants and observers have suggested that investors' potential motivation to redeem as a MMF moves toward the 30 percent threshold is primarily driven by concerns about gates, rather than liquidity fees, because MMF investors have a low tolerance for being unable to access cash on demand.

Sponsor support. As strains on prime and tax-exempt MMFs worsened, two fund sponsors provided support for their funds. They did so by purchasing securities from three prime institutional MMFs and making a capital contribution to one tax-exempt fund.

Other investment vehicles that invest in securities and other instruments

[25] The following discussion provides data on the size of the largest outflows from different types of MMFs during a given two-week (10 business day) period in March. These two-week periods do not necessarily coincide. For example, the two-week period for institutional prime funds begins two days before that for retail prime funds, in part because institutional prime funds experienced heavy redemptions earlier than retail prime funds. Using data for one-week periods provides qualitatively similar results. For comparison purposes, we also provide data on outflows for a standard two-week period from March 9 to March 20 for all types of MMFs, based on SEC Form N–MFP weekly data.

[26] Data on daily MMF flows are from iMoneyNet. SEC Form N–MFP provides an official source of weekly flows data (for weeks ending on Fridays). For the two weeks from March 9 to 20, outflows from institutional prime funds that are offered to the public (as proxied by their presence in commercial databases) totaled $90 billion (27 percent of assets). Form N–MFP weekly flows data are not available for the September 2008 crisis.

[27] *See* footnote 12 and accompanying text for an explanation of publicly-offered funds versus non-public funds.

[28] Source: SEC Form N–MFP.

[29] Source: iMoneyNet daily data. Similarly, data from SEC Form N–MFP show retail prime fund outflows of 7 percent of assets ($33 billion) over the two week period from March 9 to 20.

[30] *See* footnote 18 (explaining that data on institutional and retail MMFs prior to 2016 may not be entirely comparable with current statistics).

[31] Source: iMoneyNet daily data. Similarly, data from SEC form N–MFP show tax-exempt fund outflows of 8 percent of assets ($11 billion) over the two weeks from March 9 to 20.

[32] *See* Lei Li, Yi Li, Marco Macchiavelli, and Xing (Alex) Zhou, ''Runs and Interventions in the Time of COVID–19: Evidence from Money Funds,'' working paper (2020), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3607593.*

similar to MMFs. Other investment vehicles that invest in instruments held by MMFs also experienced outflows and stress in March. Short-term investment funds (''STIFs'') operated by banks, which have assets of about $300 billion, had outflows in March and experienced related stress.[33] Ultra-short corporate bond mutual funds, which had assets of $200 billion in February 2020, had outflows of $33 billion (16 percent of assets) in March.[34] In addition, in the two weeks from March 12 to 25, outflows from European dollar-denominated MMFs investing in assets similar to U.S. prime MMFs (so-called offshore MMFs, which are largely domiciled in Ireland and Luxembourg), totaled 25 percent (about $95 billion) of assets.[35]

Prime and tax-exempt MMFs' role in short-term funding markets' stress. Short-term funding markets are interconnected with other market segments, and stress in one market can lead to stress in others. Prime and tax-exempt MMFs were not the sole contributors to the pressures in short-term funding markets.[36] However, it appears that MMF actions were particularly significant relative to market size. For example, as noted above, prime funds reduced their CP holdings disproportionately compared to other holders.[37]

C. Taxpayer-Supported Central Bank Intervention

On March 18, 2020, the Federal Reserve, with the approval of the Secretary of the Treasury, authorized the MMLF, which began to operate on March 23.[38] The MMLF provides non-recourse loans to U.S. depository institutions and bank holding companies to finance their purchases of specified eligible assets from MMFs under certain conditions. The non-recourse nature of the loan protects the borrower from any losses on the asset pledged to secure the MMLF loan. The Federal Reserve, along with the OCC and Federal Deposit Insurance Corporation (''FDIC''), also took steps to neutralize the effects of purchasing assets through the MMLF on risk-based and leveraged capital ratios and liquidity coverage ratio requirements of financial institutions to facilitate participation in the facility.[39] The MMLF program, in combination with other programs, was intended to stabilize the U.S. financial system by allowing MMFs to raise cash to meet redemptions and to foster liquidity in the markets for the assets held by MMFs, including the markets for CP, NCDs, and short-term municipal securities.[40] The Department of the Treasury provided $10 billion of credit protection to the Federal Reserve in connection with the MMLF from the Treasury's Exchange Stabilization Fund.[41] MMLF utilization ramped up quickly to a peak of just over $50 billion in early April, or about 5 percent of net assets in prime and tax-exempt MMFs at the time.

Outflows from prime MMFs abated fairly quickly after the Federal Reserve's announcement of programs and other actions to support short-term funding markets and the flow of credit to households and businesses more generally, including its initial announcement of the MMLF on March 18.[42] Overall market conditions also began to improve. For example, in the CP market, the share of CP issuance with overnight maturity began to fall on March 24 and spreads to OIS for most types of term CP started narrowing a few days later. After the expansion of the MMLF to include municipal securities on March 20 (and VRDNs on March 23), tax-exempt MMF outflows eased and conditions in short-term municipal debt markets improved. Beyond the MMLF, several other Federal Reserve actions and announcements in March likely contributed to these improved conditions. For example, the Federal Open Market Committee lowered the target range for the federal funds rates twice in March by a total of 150 basis points. A large increase in open market purchases of Treasury securities and agency mortgage-backed securities was announced on March 15, and establishments of the PDCF and the CPFF were announced on March 17.

While stress affected a variety of money market instruments and investment vehicles, the broad policy responses from the Federal Reserve, including the availability of secondary market liquidity for MMFs through the MMLF, appeared to have had the intended broad calming effect on short-term funding markets. For instance, although European dollar-denominated MMFs are not eligible to participate in the MMLF, outflows from these funds abated shortly after the MMLF began operations. The resulting stability in short-term funding markets, along with the fiscal stimulus provided by the CARES Act and the expectation of continued accommodative monetary policy, facilitated stability in the capital markets more generally.

IV. Potential Policy Measures To Increase the Resilience of Prime and Tax-Exempt Money Market Funds

While many of the post-2008 MMF reforms added stability to MMFs, the events of March 2020 show that more work is needed to reduce the risk that

[33] The Office of the Comptroller of the Currency (''OCC''), which oversees national banks operating STIFs, issued an interim final rule and an administrative order allowing STIFs to extend their dollar-weighted average portfolio maturity and dollar-weighted average portfolio life maturity to alleviate pressure on STIF management's ability to comply with these maturity limits in light of stressed market conditions. *See* Short-Term Investment Funds, 85 FR 16888 (Mar. 25, 2020), *available at https://www.occ.gov/news-issuances/federal-register/2020/85fr16888.pdf.*

[34] Source: Morningstar data.

[35] Source: iMoneyNet data.

[36] For example, leveraged non-bank entities, such as hedge funds using Treasury collateral and real estate investment trusts using agency mortgage-backed security collateral, may have also contributed to pressure in short-term funding markets. *See, e.g.,* FSOC Annual Report 2020 at p. 5, *available at https://home.treasury.gov/system/files/261/FSOC2020AnnualReport.pdf.*

[37] *See* paragraph accompanying footnote 20.

[38] Information about the MMLF is available on the Federal Reserve's website at *https://www.federalreserve.gov/monetarypolicy/mmlf.htm.* The Federal Reserve Bank of Boston operates the MMLF.

[39] *See* Regulatory Capital Rule: Money Market Mutual Fund Liquidity Facility, 85 FR 16232 (March 23, 2020), *available at https://www.federalregister.gov/documents/2020/03/23/2020-06156/regulatory-capital-rule-money-market-mutual-fund-liquidity-facility;* Liquidity Coverage Ratio Rule: Treatment of Certain Emergency Facilities, 85 FR 26835 (May 6, 2020), *available at https://www.federalregister.gov/documents/2020/05/06/2020-09716/liquidity-coverage-ratio-rule-treatment-of-certain-emergency-facilities.*

[40] The MMLF would not have worked in isolation, and other programs and monetary policy responses would not have worked as well without the MMLF. *See* SEC Staff Interconnectedness Report; Marco Cipriani *et al.,* ''Municipal Debt Markets and the COVID–19 Pandemic,'' (June 29, 2020), *available at https://libertystreeteconomics.newyorkfed.org/2020/06/municipal-debt-markets-and-the-covid-19-pandemic.html.*

[41] The CARES Act also temporarily removed restrictions on Treasury's authority to use the Exchange Stabilization Fund to guarantee money market funds. *See* section 4015 of the CARES Act. This authority has not been used.

[42] *See, e.g.,* ''Federal Reserve Issues FOMC Statement'' (March 15, 2020), *available at https://www.federalreserve.gov/newsevents/pressreleases/monetary20200315a.htm;* ''Federal Reserve Actions to Support the Flow of Credit to Households and Businesses'' (March 15, 2020), *available at https://www.federalreserve.gov/newsevents/pressreleases/monetary20200315b.htm;* ''Federal Reserve Board Announces Establishment of a Commercial Paper Funding Facility (CPFF) to Support the Flow of Credit to Households and Businesses'' (March 17, 2020), *available at https://www.federalreserve.gov/newsevents/pressreleases/monetary20200317a.htm;* ''Federal Reserve Board Announces Establishment of a Primary Dealer Credit Facility (PDCF) to Support the Credit Needs of Households and Businesses'' (March 17, 2020), *available at https://www.federalreserve.gov/newsevents/pressreleases/monetary20200317b.htm;* ''Federal Reserve Board Broadens Program of Support for the Flow of Credit to Households and Businesses by Establishing a Money Market Mutual Fund Liquidity Facility (MMLF)'' (March 18, 2020), *available at https://www.federalreserve.gov/newsevents/pressreleases/monetary20200318a.htm.*

structural vulnerabilities in prime and tax-exempt MMFs will lead to or exacerbate stresses in short-term funding markets. The following discussion sets forth potential policy measures that could address the risks prime and tax-exempt MMFs pose to short-term funding markets. This report is meant to facilitate discussion. The PWG is not endorsing any given measure at this time.

These potential policy measures differ in terms of the scope and breadth of regulatory changes they would require. For example, many of the potential reforms would apply only to prime and tax-exempt MMFs, while reforms such as swing pricing could apply to mutual funds more generally. Moreover, some potential reforms would involve targeted amendments to SEC rules, which relevant MMFs could likely implement fairly quickly, while others would involve longer-term structural changes or may require coordinated action by multiple agencies. The different measures are not necessarily mutually exclusive, nor are they equally effective at mitigating the vulnerabilities of prime and tax-exempt MMFs. Policy makers could combine certain measures within a single set of reforms. Some policy measures listed below have been raised for consideration previously, including in the PWG's October 2010 report on MMF reform options and the FSOC's 2012 proposed recommendations on MMF reform, and warrant renewed consideration in light of recent MMF stresses.

This report focuses on reform measures for MMFs only. It is important to recognize MMFs' role in the market events in March 2020 and to examine measures that would address concerns and structural vulnerabilities specific to MMFs. Although they are beyond the scope of this report, and as discussed generally above, there were other stresses in short-term funding markets in March 2020 that may have contributed to the pressure on MMFs.

As discussed in more detail below, the potential policy measures for prime and tax-exempt MMFs explored in this report are:

- Removal of Tie between MMF Liquidity and Fee and Gate Thresholds;
- Reform of Conditions for Imposing Redemption Gates;
- Minimum Balance at Risk (''MBR'');
- Money Market Fund Liquidity Management Changes;
- Countercyclical Weekly Liquid Asset Requirements;
- Floating NAVs for All Prime and Tax-Exempt Money Market Funds;
- Swing Pricing Requirement;
- Capital Buffer Requirements;
- Require Liquidity Exchange Bank (''LEB'') Membership; and
- New Requirements Governing Sponsor Support.

Overarching goals for MMF reform. As a threshold matter, it should be recognized that the various policy reforms, individually and in combination, should be evaluated in terms of their ability to effectively advance the overarching goals of reform. That is:

- First, would they effectively address the MMF structural vulnerabilities that contributed to stress in short-term funding markets?
- Second, would they improve the resilience and functioning of short-term funding markets?
- Third, would they reduce the likelihood that official sector interventions and taxpayer support will be needed to halt future MMF runs or address stresses in short-term funding markets more generally?

Assessment of the MMF reform options. An assessment of the effectiveness of reform options in achieving these goals should take into account: (a) How each option would address MMF structural vulnerabilities and contribute to the overarching goals; (b) the effect of each option on short-term funding markets and the MMF sector more broadly, including through its effects on the resilience, functioning, and stability of short-term funding markets, as well as whether the reform option would trigger the growth of existing investment strategies and products, or the development of new strategies and products, that could either exacerbate or mitigate market vulnerabilities; and (c) potential drawbacks, limitations, or challenges specific to each reform option. The reform options considered in this report seek to achieve the goals in different ways. For example, some are intended to address the liquidity-related stresses that were evident in March 2020, while others also touch on potential credit-related concerns. This menu of options reflects the possibility that future financial stress events may affect the liquidity of short-term investments, their credit quality, or both.

(a) How the reform options would seek to achieve the goals.

(1) *Internalize liquidity costs of investors' redemptions, particularly in stress periods.* Some options would impose a cost on redeeming investors that rises as liquidity stress increases to reflect the costs of redemptions for the fund. These options, particularly swing pricing and the MBR, could reduce or eliminate first-mover advantages for redeeming investors and protect investors who do not redeem.

(2) *Decouple regulatory thresholds from consequences such as gates, fees, or a sudden drop in NAV.* Some options, such as those that revise fee and gate thresholds or introduce the floating NAV for retail prime and tax-exempt MMFs, could eliminate or diminish the importance of thresholds (such as 30 percent WLA or an NAV of $0.995) that may spur investor redemptions. By diminishing the importance of thresholds, these options could also give MMFs greater flexibility, for example, to tap their own liquid assets to meet redemptions.

(3) *Improve MMFs' ability to use available liquidity in times of stress.* In March 2020, some prime and tax-exempt MMFs may have avoided using their liquid assets to meet redemptions. Options such as countercyclical WLA requirements or revisions to fee and gate thresholds could make MMFs more comfortable in deploying their liquid assets in times of stress.

(4) *Commit private resources ex ante to enable MMFs to withstand liquidity stress or a credit crisis.* When prime and tax-exempt MMFs have encountered serious strains, official sector interventions have followed quickly. Options such as capital buffers, explicit sponsor support, and the LEB could provide committed private resources to supply liquidity or absorb losses and thus reduce the likelihood that official sector support would be needed to calm markets.

(5) *Further improve liquidity and portfolio risk management.* Changes to liquidity management requirements could include raising required liquid-asset buffers. Other options could motivate more conservative risk management by explicitly making fund sponsors or others responsible for absorbing any heightened liquidity needs or losses in their MMFs.

(6) *Clarify that MMF investors, rather than taxpayers, bear market risks.* Government support has repeatedly provided emergency liquidity to prime and tax-exempt funds and also has obscured the risks of liquidity and credit shocks for MMFs. Some options, such as the floating NAV for retail prime and tax-exempt MMFs, swing pricing, and the MBR could make risks to investors more apparent.

(b) *Effects on short-term funding markets.* The reform options are intended to reduce the structural vulnerabilities of MMFs, which could make them a more stable source of short-term funding for financial institutions, businesses, and state and local governments. This would improve

the stability and resilience of short-term funding markets.

At the same time, some of the reform options would likely diminish the size of prime and tax-exempt MMFs, which would also affect the functioning of short-term funding markets. A shrinkage of MMFs could reduce the supply of short-term funding for financial institutions, businesses, and state and local governments. Making prime and tax-exempt MMFs less desirable as cash-management vehicles also could cause investors to move to less regulated and less transparent mutualized cash-management vehicles that are also susceptible to runs that cause stress in short-term funding markets.

A reduction in the size of prime and tax-exempt MMFs may not necessarily be inappropriate if, for example, the growth of these funds has reflected in part the effects of implicit taxpayer subsidies and other externalities (that is, broader economic costs of runs that are not borne by investors or the funds). In addition, if these MMFs remain run prone, a reduction in the size of the industry could mitigate the effects of future runs from these funds on short-term funding markets.

The aftermath of the 2014 MMF reforms provides a precedent for the consequences of a substantial reduction in the size of prime and tax-exempt funds, although a future experience could differ. In the year before the October 2016 implementation deadline for those reforms, aggregate prime MMF assets shrank by $1.2 trillion (69 percent) and tax-exempt MMF assets declined about $120 billion (47 percent). Nonetheless, to the extent that spreads for instruments held by these MMFs were affected, they generally widened only temporarily, and investor migration to other mutualized cash-management vehicles was largely limited to shifts to government MMFs. (Over the next three years, prime MMFs regained about half of the 2015–2016 decline.)

These considerations are important, because some of the reform options could reduce the size of the prime and tax-exempt fund sectors by:

• *Reducing attractiveness of prime and tax-exempt MMFs for investors.* The costs associated with some options, such as capital buffers and LEB membership, may reduce the funds' yields. The MBR would limit the liquidity of their shares in some circumstances. The floating NAV requirement and swing pricing would make NAVs more volatile and MMF shares less cash-like. And investors may view some policies, such as swing pricing and the MBR, as unfamiliar, restrictive, and complicated.

• *Increasing costs associated with MMF sponsorship.* Some options, such as the introduction of capital buffers, required LEB membership, and explicit sponsor support, could raise operating costs for sponsors. Other options, such as swing pricing and MBR, may also have sizable implementation costs. Increased costs and operational complexity could lead to increased concentration and a reduction in the overall size of the MMF industry.

(c) *Potential drawbacks, limitations, and challenges specific to each option.* Evaluation of the reform options also should take into account potential drawbacks, limitations, and challenges of each option, such as implementation challenges or limits on an option's ability to achieve the desired goals. The report discusses these considerations for each option below.

Several specific policy options are described below, along with a high-level analysis of the potential benefits and drawbacks of each option.

A. Removal of Tie Between MMF Liquidity and Fee and Gate Thresholds

Liquidity fees and redemption gates are intended to give MMF boards tools to stem heavy redemptions by imposing a fee to reduce shareholders' incentives to redeem or by stopping redemptions altogether for a period of time. Currently, MMF boards have discretion to impose fees or gates when WLAs fall below 30 percent of total assets and generally must impose a fee of 1 percent if WLAs fall below 10 percent, unless the board determines that such a fee would not be in the best interest of the fund or that a lower or higher (up to 2 percent) liquidity fee is in the best interests of the fund.

Definitive thresholds for permissible imposition of liquidity fees and redemption gates may have the unintended effect of triggering preemptive investor redemptions as funds approach the relevant thresholds. Some preliminary research suggests that redemptions accelerated in March 2020 from funds with declining WLAs.[43] Removing the tie between the 30 percent and 10 percent WLA thresholds and the imposition of fees and gates is one possible reform. Fund boards could be permitted to impose fees or gates when doing so is in the best interest of the fund, without reference to any specific level of liquidity.

Potential benefits:

• Removing the tie between the WLA thresholds and funds' ability to impose gates and fees would reduce the salience of these thresholds and could diminish the incentive for preemptive runs.

• This may improve the usability of WLA buffers by making MMFs more comfortable in deploying their liquid assets in times of stress.

Potential drawbacks, limitations, and challenges:

• While this option would remove a focal point that may trigger runs, it would do little otherwise to mitigate run incentives.

• If MMFs maintain fewer liquid assets (by holding WLA levels closer to 30 percent) as a result of this change, the funds may be less equipped to manage significant redemptions without engaging in fire sales.

• Permitting funds to impose fees or gates without reference to a specific threshold may cause broader contagion if investors fear the imposition of fees or gates in other funds that otherwise would have been seen as safe.

B. Reform of Conditions for Imposing Redemption Gates

Reforming rules regarding redemption gates to reduce the likelihood that gates may be imposed could diminish investors' incentives to engage in preemptive runs. For example, funds could be required to obtain permission from the SEC or notify the SEC prior to imposing gates. Alternatively, fund boards could be required to consider liquidity fees before gates, making it less likely that gates would be imposed. Another option could be to lower the WLA threshold at which gates could be imposed to, for example, 10 percent.

Gate rules also could be reformed to make gates ''soft'' or ''partial.'' With soft gates, for example, if redemptions on a particular day exceed a certain amount, a fund could reduce each investor's redemption pro rata to bring total redemptions below that amount, with remaining redemption amounts deferred to the next business day (and continuing daily deferrals until all redemption requests are satisfied). This affords investors at least some liquidity, in contrast to the complete curtailment of liquidity when a fund suspends all redemptions.

Potential benefits:

• Reforming the rules around gates might reduce concerns that gates will be imposed immediately upon a breach of the 30 percent WLA requirement and reduce the salience of that threshold, particularly if investors are more concerned about gates than fees.

• Gates could still be imposed, but only in very dire conditions when runs on funds are likely anyway.

[43] *See* footnote 32, above.

• This may improve the usability of WLA buffers by making MMFs more comfortable in deploying their liquid assets in times of stress.
• A ''soft'' or ''partial'' gate could reduce disruptions caused by the imposition of a gate by allowing shareholders to redeem a portion of shares as normal, with a portion held for a limited time to help the fund slow the rate of redemptions during stress periods without engaging in fire sales.

Potential drawbacks, limitations, and challenges:

• If thresholds remain, they could still be focal points for runs on MMFs.
• While this option could reduce the salience of a threshold that may trigger runs, it would do little otherwise to mitigate run incentives.
• Reducing the likelihood that a gate may be imposed could reduce the potential utility of gates as a tool to slow investor redemptions.
• Providing the SEC a role in granting permission for imposition of gates may result in less timely action than the current framework involving the MMF's board, particularly if multiple MMFs seek SEC permission in a short period of time, which could allow runs to continue or accelerate. Absent a threshold, it could be challenging to develop objective criteria in advance for quickly approving or denying such requests in a consistent and appropriate manner amid a fast-moving crisis.
• If MMFs maintain fewer liquid assets (by holding WLA levels closer to 30 percent) as a result of this change, the funds may be less equipped to manage significant redemptions without engaging in fire sales.
• Like other gates, a ''soft'' (or ''partial'') gate may spur preemptive runs, but a soft gate may be less effective at slowing runs than a full gate, as investors can continue to redeem even after a soft gate has been imposed.
• ''Soft'' or ''partial'' gates could introduce accounting and administrative complexities.

C. Minimum Balance at Risk

An MBR is a portion of each shareholder's recent balances in a MMF that would be available for redemption only with a time delay to ensure that redeeming investors still remain partially invested in the fund over a certain time period. As such, even if the investor redeems all of her available shares, she would still share in any losses incurred by the fund during that timeframe. A ''strong form'' of MBR would also put a portion of redeeming investors' MBRs first in line to absorb any losses, which creates a disincentive to redeem. The size of the MBR would be a specified fraction of the shareholder's maximum recent balance (less an exempted amount). An MBR mechanism could be used in a floating NAV fund to allocate losses only under certain rare circumstances, such as when the fund suffers a large drop in NAV or is closed.

Potential benefits:

• A properly calibrated ''strong'' MBR could reduce the vulnerability of MMFs to runs.
• A strong MBR can internalize the liquidity costs of investors' redemptions and thus reduce or eliminate the first-mover advantage for redeeming investors. It would do so by subordinating a portion of their shares to put them at greater risk if the fund suffers a loss. This can weigh against incentives to redeem in a stress event, so it can be particularly helpful as liquidity costs rise.[44]
• The disincentive to redeem created by an MBR strengthens mechanically as stresses increase and put subordinated shares at greater risk. Hence, the MBR does not create a threshold effect that might spur redemptions.
• Under a strong form of MBR, the subordinated shares of redeeming investors provide extra loss absorption to protect the investments of non-redeeming investors.
• An MBR could provide more transparency to shareholders regarding their risk, as shareholders' account information could include their balances and the size of their MBRs.

Potential drawbacks, limitations, and challenges:

• The MBR could present implementation and administration challenges. For example, MMFs, intermediaries, and service providers would need to update systems to: (1) Compute the MBR on an ongoing basis for each shareholder account and update the allocation of unrestricted, holdback, or subordinated holdback shares for each account to reflect any additional subscriptions or redemptions and the passage of time; and (2) prevent a shareholder from redeeming holdback or subordinated holdback shares in transaction processing systems.[45] In addition, a ''strong form'' of MBR may create the need to convert existing MMF shares or issue new subordinated shares to comply with typical state law limitations on allocating losses to a subset of shares in a single share class.
• An MBR mechanism may have different and unequal effects on investors in stable NAV and floating NAV MMFs. During the holdback period, investors in a stable NAV MMF would only experience losses if the fund breaks the buck, but investors in a floating NAV MMF are always exposed to changes in the fund's NAV and would continue to be exposed to such risk for any shares held back.
• The MBR is an unfamiliar concept in the fund industry that may result in investor discomfort or confusion, particularly when it is first introduced.
• Calibrating the appropriate size for an MBR could be a challenge; an MBR that is too small may not create sufficient disincentives to redeem in stress events, but one that is too large would unnecessarily reduce the liquidity of the fund's shares.

D. Money Market Fund Liquidity Management Changes

MMFs currently are subject to daily and weekly liquid asset requirements and must disclose the amount of daily and weekly liquid assets each day on the fund's website. Changes to liquidity management requirements could include a new category of liquidity requirements. For example, instead of focusing solely on daily and weekly liquid assets, creating an additional category for assets with slightly longer maturities (*e.g.,* biweekly liquid assets) could strengthen funds' near-term portfolio liquidity when short-term funding markets become stressed.

As another alternative, an additional threshold, such as a WLA threshold of 40 percent, could be set to augment current liquidity buffers. If a fund's WLAs fell below this threshold, penalties such as requiring the escrow of fund management fees until the level of WLA is restored could be imposed on fund managers, rather than investors. This effectively would require funds to maintain a larger amount of WLAs than currently required.

Potential benefits:

• An additional tier of liquidity may make MMFs more resilient to significant redemptions by ensuring they maintain assets that will soon become WLAs. Additional liquidity requirements also

[44] *See, for example,* FSOC Proposed Recommendations; Patrick E. McCabe, Marco Cipriani, Michael Holscher, and Antoine Martin, ''The Minimum Balance at Risk: A Proposal to Mitigate the Systemic Risks Posed by Money Market Funds,'' Brookings Papers on Economic Activity (Spring 2013), *available at https://www.brookings.edu/wp-content/uploads/2016/07/2013a_mccabe.pdf.*

[45] Many MMF investors hold their shares through intermediaries (such as broker-dealers, banks, trust companies, and retirement plan administrators) that establish omnibus accounts with the fund. An intermediary's omnibus account aggregates shares held on behalf of its underlying clients or beneficiaries, and the fund does not have access to information about these underlying clients or beneficiaries. As a result, intermediaries would be involved in implementing MBR reforms.

could limit ''barbell'' strategies (where a fund offsets its short-term assets with riskier longer-term assets that enhance returns but increase the riskiness of the fund's portfolio).

• Rules to penalize fund managers first for having inadequate portfolio liquidity have the potential to diminish the salience of WLA thresholds to investors by ensuring that initial consequences for crossing the thresholds are not imposed directly on investors.

Potential drawbacks, limitations, and challenges:

• Requiring funds to purchase additional near-term liquid assets or maintain larger WLAs to avoid penalties might encourage funds to take greater risks in the less liquid parts of their portfolios, particularly in a low interest rate environment, absent other measures to constrain this behavior.

• Imposing the escrow of fees or other penalties on fund managers if WLAs do not meet a new higher minimum requirement could further diminish the usability of WLA buffers by making MMFs less comfortable in deploying their liquid assets in times of stress.

• Further increases in liquid asset requirements may provide funds only a little extra time during a run, as institutional prime fund outflows exceeded 5 percent of assets per day at the height of the run in March 2020.

• Additional liquid asset requirements for MMFs could heighten roll-over risks for issuers of short-term debt that may see more demand for issuance in shorter tenors. In addition, to the extent that new investors would replace MMFs in the tenors outside the near-term liquidity requirements, transparency regarding the nature of these investors may be lower.

• It is not clear whether the required escrow of fees or other penalties could be imposed on fund managers in a way that would not also affect MMF investors (*e.g.,* fund managers may respond by reducing the amount of fees they waive).

Additional considerations:

• Funds that purchase additional near-term liquid assets or maintain larger WLAs to avoid penalties may generate lower yield compared to similar investment products, which may reduce investor demand for such funds. As noted above, a reduction in the size of the prime and tax-exempt MMF sectors could affect the resilience and functioning of short-term funding markets in a variety of ways.

E. Countercyclical Weekly Liquid Asset Requirements

During the market stress in March 2020, prime and tax-exempt MMFs that were close to the 30 percent WLA threshold may have avoided using their liquid assets to meet redemptions. MMFs' incentives to maintain WLAs well above the 30 percent minimum, even in the face of significant outflows, may include the desires to avoid: (1) Prohibitions on purchasing assets that are not WLAs; (2) raising investor concerns about the potential imposition of fees or gates; and (3) potential scrutiny resulting from public disclosure of low WLA amounts. A countercyclical WLA requirement could reduce some or all of these concerns. Under this approach, minimum WLA requirements could automatically decline in certain circumstances, such as when net redemptions are large or when the SEC provides temporary relief from WLA requirements. Any thresholds linked to a fund's minimum WLA requirements (*e.g.,* fee or gate thresholds) would also move with the minimum.

Potential benefits:

• A countercyclical WLA requirement could reduce the salience of the 30 percent WLA threshold and may lessen redemption pressures when a fund is near that threshold.

• This may improve the usability of WLA buffers by making MMFs more comfortable in deploying their liquid assets in times of stress.

Potential drawbacks, limitations, and challenges:

• Funds that reduce WLAs in stress events would be less equipped to manage additional redemptions without engaging in fire sales.

• Even if the WLA threshold is reduced, threshold effects may still motivate investors to redeem. In addition, investors may still prefer to redeem from funds that are approaching or breaching the standard 30 percent threshold, and reduced WLA minimums may in fact call attention to potential stress and prompt greater investor outflows.

• The benefits of this change for funds' use of liquid assets may be modest, as current rules do not preclude funds from using WLAs to meet redemptions or prohibit funds from allowing their WLAs to fall below 30 percent.

• Appropriately calibrating a countercyclical WLA requirement, including determining whether it would be an automatic mechanism or one that the SEC has to adjust in a crisis, could be challenging.

F. Floating NAVs for All Prime and Tax-Exempt Money Market Funds

Retail prime MMFs and retail tax-exempt MMFs currently can use a rounded NAV and value portfolio assets at their amortized cost, which permits the funds to sell and redeem shares at a stable share price (*e.g.,* $1.00) without regard to small variations in the value of the securities in their portfolios. A floating NAV requirement would ensure that these MMFs instead sell and redeem their shares at a price that reflects the market value of a fund's portfolio and any changes in that value. This would be consistent with floating NAV requirements that currently apply to institutional prime and institutional tax-exempt MMFs. Although this option would only affect retail MMFs, those funds had large outflows in March 2020, and outflows likely would have continued or worsened without official sector intervention.[46]

Potential benefits:

• The floating NAV eliminates the salience of a MMF's NAV dropping more than 0.5 percent ($0.995). Unlike stable NAV funds, MMFs with floating NAVs cannot ''break the buck.''

• Stable NAVs can create an incentive to redeem when MMF portfolios assets lose value because redeeming investors can receive more for their shares than they are worth, while losses are concentrated among non-redeeming investors. In contrast, a floating NAV mitigates that incentive to redeem as losses are spread across all shareholders on a *pro rata* basis whether they redeem or not. Thus, a floating NAV requirement may decrease retail prime and tax-exempt MMFs' vulnerabilities to runs by mitigating the first mover advantage for redeeming investors.

• Floating NAVs make portfolio risks more transparent by making fluctuations in share values readily observable, which could better align investors' expectations with the risks of portfolio holdings.

Potential drawbacks, limitations, and challenges:

• A floating NAV requirement would not affect institutional MMFs, which have historically been the most vulnerable to runs but already have floating NAVs.

[46] Retail prime MMFs and tax-exempt MMFs were under stress during March 2020, with one tax-exempt MMF receiving sponsor support, although stress among retail funds was less severe than that for institutional prime MMFs. *See* Section III.B, above (explaining that outflows from retail prime funds totaled 9 percent (or just over $40 billion) of assets during the two weeks from March 13 to 26, and outflows from tax-exempt MMFs—which are largely retail funds—were 8 percent ($11 billion) of assets during the two weeks from March 12 to 25).

• Institutional prime MMFs with floating NAVs still experienced runs in March; floating NAVs do not prevent runs.

Additional considerations:

• Floating NAVs could result in a reduction in the size of retail prime and retail tax-exempt MMF sectors by making retail MMF shares less cash-like, which could reduce investor demand. As noted above, a reduction in the size of the prime and tax-exempt MMF sectors could affect the resilience and functioning of short-term funding markets in a variety of ways.

G. Swing Pricing Requirement

Under current rules, MMF investors redeeming their shares in a prime or tax-exempt fund typically do not incur the costs associated with this redemption activity. Instead, these costs are largely borne by other investors in the fund, and this contributes to a first-mover advantage for those who redeem quickly in a crisis. Swing pricing effectively allows a fund to impose the costs stemming from redemptions directly on redeeming investors by adjusting the fund's NAV downward when net redemptions exceed a threshold.[47] That is, when the NAV ''swings'' down, redeeming investors receive less for their shares. A swing pricing requirement could help ensure that redeeming shareholders bear liquidity costs throughout market cycles (*i.e.,* not only in times of market stress). In the United States, an optional swing pricing framework is permissible for certain mutual funds, but not for MMFs. Although swing pricing is largely untested for MMFs, it has been helpful for other types of non-U.S. mutual funds.[48]

Potential benefits:

• A properly calibrated swing pricing mechanism could reduce the vulnerability of MMFs to runs.

• Swing pricing can internalize the liquidity costs of investors' redemptions and thus reduce or eliminate the first-mover advantage for redeeming investors. By making redemptions costly, swing pricing can weigh against incentives to redeem in a stress event, so it can be particularly helpful as liquidity costs rise. Swing pricing also benefits investors who do not redeem by reducing dilution to the value of a fund's shares and insulating these investors from the effects of others' redemption activity.

• Swing pricing can improve long-run fund performance by reducing dilution.

• If swing pricing is available (and used occasionally) in ''normal'' times, its use can help investors understand that they bear liquidity risks in a MMF. Moreover, regular deployment of swing pricing would make its use in stress events less unsettling for investors.

Potential drawbacks, limitations, and challenges:

• Eligible U.S. mutual funds have yet to implement swing pricing, largely because implementation would require substantial reconfiguration of current distribution and order-processing practices. MMFs could face similar challenges.

• Unlike other mutual funds, some MMFs strike their NAVs more than once per day and allow intraday purchases and redemptions for any orders received prior to a given NAV strike. The potential management of swing pricing considerations multiple times per day could be particularly challenging in times of market stress.

• It may be challenging to design and calibrate a swing pricing mechanism that can effectively internalize liquidity costs for redeeming investors, especially during stress events.

H. Capital Buffer Requirements

Capital (or ''NAV'') buffers, which could be structured in a variety of ways, can provide dedicated resources within or alongside a fund to absorb losses and can serve to absorb fluctuations in the value of a fund's portfolio, reducing the cost to taxpayers in case of a run.[49] For a floating NAV fund, capital buffers could be reserved to absorb the fund's losses only under certain rare circumstances, such as when it suffers a large drop in NAV or is closed.

Potential benefits:

• A capital buffer adds ex ante loss-absorption capacity to a MMF that would mitigate MMF shareholders' risk of losses and their incentives to redeem in a stress event.

• A buffer would mitigate the MMF industry's reliance on discretionary, ex post sponsor support by assuring that MMFs already have resources in place to absorb losses.

• Owners of capital will have incentives to mitigate risk-taking by the fund. For example, if capital is provided by the fund's sponsor, the sponsor will have an explicit incentive to manage portfolio risks to preserve the capital.

Potential drawbacks, limitations, and challenges:

• A capital buffer financed from unaffiliated investors could be complex to administer.

• Sizable capital buffers are costly to finance, and building adequate capital buffers from MMF income could take substantial time, particularly in a low interest rate environment, and could disadvantage current MMF investors for the benefit of future MMF investors.

• Calibrating the appropriate size for a capital buffer could be a challenge; MMFs would continue to be vulnerable if the buffer is too small, but one that is too large would be unnecessarily costly.

• A capital requirement could increase MMF industry concentration because provision of initial capital would be a substantial burden for some asset managers and could cause them to exit the industry. In addition, such a requirement may favor bank-sponsored funds.

Additional considerations:

• The costs of financing a capital buffer would be borne by MMF sponsors and investors, and these costs could result in a reduction in the size of the prime and tax-exempt MMF sectors. As noted above, a reduction in the size of these MMFs could affect the resilience and functioning of short-term funding markets in a variety of ways.

I. Require Liquidity Exchange Bank Membership

To provide a liquidity backstop during periods of market stress, prime and tax-exempt MMFs could be required to be members of a private liquidity exchange bank. The LEB would be a chartered bank. Under one LEB proposal, MMF members and their sponsors would capitalize the LEB through initial contributions and ongoing commitment fees. During times of market stress, the LEB would purchase eligible assets from MMFs that need cash, up to a maximum amount per fund. The LEB would not be intended to provide credit support.

Potential benefits:

• The existence of a liquidity backstop provided by an LEB could diminish investors' incentives to run.

• An LEB would commit private resources, including bank capital, ex ante to provide liquidity to MMFs. This

[47] If a fund has net inflows above the swing threshold, swing pricing would instead adjust the fund's NAV upward.

[48] *See, for example,* Jin, Dunhong, Marcin Kacperczyk, Bige Kahraman, an Felix Suntheim, ''Swing Pricing and Fragility in Open-end Mutual Funds,'' IMF Working Paper WP/19/227 (2019); Association of the Luxembourg Fund Industry, Swing Pricing Updae 2015 (Dec. 2015) (''ALFI Survey 2015'') at 21, *available at http://www.alfi.lu/sites/alfi.lu/files/ALFI-Swing-Pricing-Survey-2015-FINAL.pdf.*

[49] *See, for example,* Craig M. Lewis, ''Money Market Fund Capital Buffers,'' (April 6, 2015), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2687687;* Samuel G. Hanson, David S. Scharfstein, and Adi Sunderam, ''An Evaluation of Money Market Fund Reform Proposals,'' (May 2014), *available at https://www.imf.org/external/np/seminars/eng/2013/mmi/pdf/Scharfstein-Hanson-Sunderam.pdf.*

framework could partially internalize the costs of liquidity protection for the MMF industry and reduce distortions that can arise from an expectation of official sector support in times of stress.

• Chartered banks generally have access to Federal Reserve liquidity through the discount window, although the duration and extent of access is not guaranteed. To the extent that the LEB has access to the discount window, that access may further mitigate liquidity pressures on MMFs and reduce the likelihood of fire sales.

• Pooling liquidity resources for MMFs may offer efficiency gains. An LEB would provide liquidity to MMFs that need it, rather than requiring each MMF to hold liquidity separately.

Potential drawbacks, limitations, and challenges:

• Access to the LEB backstop during times of market stress, without further consideration of risk management measures, could have moral hazard effects that motivate some funds to take greater risks in the less-liquid parts of their portfolios.

• The LEB, which would not provide traditional banking services, is not intended to operate as a commercial bank, and commercial banks are not organized to buy assets from entities facing financial difficulties. As such, it is unclear whether such an entity would be able to obtain a banking charter.

• Access to the discount window by the LEB is not guaranteed, particularly in the size and term that may be needed to provide material liquidity support to MMFs under stress.

• To the extent that liquidity provided by the Federal Reserve exceeds what is provided to a typical commercial bank, the LEB would not be significantly different from other types of historical official sector support.

• As a bank, the LEB would be subject to supervision and regulation, including restrictions on transactions with affiliate funds.[50] In addition, investors in the LEB may themselves become bank holding companies. If an investor became a bank holding company, it would be subject to consolidated supervision and regulation, and would be required to serve as a source of strength to the LEB.[51]

• The LEB would need significant capital to both be in a position to provide meaningful liquidity for MMFs in stress events and be seen as a credible liquidity backstop. Building adequate capacity from MMF income could take several years, particularly in a low interest rate environment. Moreover, the need to comply with applicable leverage-based capital requirements on a continuous basis—even during periods of peak usage under stress—could render the LEB's lending capacity insufficiently robust in extremis.

• News that an LEB is running out of capacity could accelerate runs.

• Requiring fund sponsors to provide initial capital for an LEB would likely favor large and bank-affiliated sponsors and could cause some others to exit the industry, thus increasing industry concentration.

• Administering an LEB may raise complex governance and fairness concerns, particularly in times of stress.

Additional considerations:

• Requiring membership in an LEB likely would impose a cost on sponsors and reduce yields for investors, both of which could result in a reduction in the size of the prime and tax-exempt MMF sectors. As noted above, a reduction in the size of these MMFs could affect the resilience and functioning of short-term funding markets in a variety of ways.

J. New Requirements Governing Sponsor Support

In times of market stress, sponsor support has been a tool for stabilizing MMF share prices and providing liquidity. Support of funds was relatively common during the 2008 financial crisis as a number of MMF sponsors purchased large amounts of portfolio securities from their MMFs or provided capital support to their MMFs.[52] However, the discretionary nature of sponsor support contributes to uncertainty about who will bear risks in periods of stress, including when there is a run on a MMF. Moreover, the inability of one sponsor to provide support for a distressed fund accelerated the run on MMFs in September 2008. Currently, sponsors may provide support to MMFs under certain conditions established by rule 17a–9 under the Act, and must make public disclosure of any ''financial support'' to increase transparency about sponsor involvement.[53] However, bank sponsors are subject to limits on transactions with affiliates under section 23A of the Federal Reserve Act. In March, the Federal Reserve, in conjunction with the FDIC and OCC, provided temporary relief from these restrictions.[54] The SEC staff also issued a temporary no-action letter in March to permit the purchase of certain MMF securities by an affiliate where reliance on rule 17a–9 could conflict with sections 23A and 23B of the Federal Reserve Act.[55]

A regulatory framework governing sponsor support could clarify who bears MMF risks by establishing when a sponsor would be required to provide support.[56]

Potential benefits:

• Explicit sponsor support, similar to a capital buffer, would commit private resources ex ante to absorb losses, mitigate risks to MMF shareholders, and reduce their incentives to redeem in a stress event.

• Similar to a capital buffer financed by MMF sponsors, explicit sponsor support could strengthen sponsors' incentives to reduce portfolio risks.

Potential drawbacks, limitations, and challenges:

• Making sponsor support for MMFs explicit would favor bank-sponsored funds and would likely increase MMF industry concentration.

• Making support explicit would require new official sector oversight to ensure that sponsors have resources to provide support.

Additional considerations:

• Formalizing sponsor support would impose an expected cost on sponsors and likely would cause them to charge higher fees to investors, which could lead to a reduction in the size of the prime and tax-exempt MMF sectors. At the same time, explicit support could boost demand for these funds by making them less risky. As noted above, changes in the size of these MMFs could affect the resilience and functioning of short-term funding markets in a variety of ways.

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[50] 12 U.S.C. 371c; 12 CFR 223.

[51] 12 U.S.C. 1841 *et seq.*

[52] *See* SEC 2014 Reforms, at paragraph accompanying footnote 53; 2010 PWG Report. A sponsor may also provide support when the fund is not under stress. As one example, a sponsor may provide support in a form of capital contribution to maintain a fund's stable NAV when liquidating a fund that experienced small losses as assets matured.

[53] *See* Investment Company Act rule 17a–9 [17 CFR 270.17a–9]; SEC Form N–CR, Part C; and SEC Form N–MFP, Item C.18.

[54] *See* Letters dated March 17, 2020, *available at https://www.federalreserve.gov/supervisionreg/legalinterpretations/fedreserseactint20200317.pdf.*

[55] *See* Letter to Susan Olson, Investment Company Institute (March 19, 2020), *available at https://www.sec.gov/investment/investment-company-institute-031920-17a.*

[56] This reform could also include changes to obviate the need for future SEC staff no-action letters relating to the interaction of rule 17a–9 and certain banking law provisions, which may provide more certainty with respect to sponsor support.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91063; File No. SR–DTC–2020–019]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change To Update the Distributions Service Guide

February 4, 2021.

I. Introduction

On December 21, 2020, The Depository Trust Company (''DTC'') 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] proposed rule change SR–DTC–2020–019. The proposed rule change was published for comment in the **Federal Register** on December 29, 2020.[3] The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

DTC proposes to amend its Corporate Actions Distributions Service Guide (''Distributions Guide'') [4] to (1) more clearly explain the interim accounting process, generally, (2) provide an explanation for the interim accounting process for a security being delisted, (3) change how DTC manages interim accounting when an ex-date [5] is changed due to an unscheduled closure of a stock exchange, (4) remove the statements that DTC's U.S. Tax Withholding (''UTW'') service is available to subaccounts of U.S. Participants and that users of the UTW service must enter into a Withholding Agent Agreement, and (v) make certain conforming and technical changes, including updating the copyright date, each described in greater detail below.

A. Changes to the General Description of Interim Accounting

Interim accounting is an important part of the entitlements and allocations process for distributions for DTC. The interim period (also referred to in the Distributions Guide as the due bill period) is the period during which a settling trade has due bills attached to it. A due bill is an indication of a seller's obligation to deliver a pending distribution (*e.g.,* cash dividend, stock dividend, interest payment, etc.) to the buyer in a securities transaction. For distributions that are the subject of a due bill, the interim period extends from the Interim Accounting Start Date (*i.e.,* record date +1) [6] up to the Due Bill Redemption Date (which is typically ex-date +1 for equities and payable date –1 for debt).[7]

Normally, the registered holder of a security on the close of business on the record date is entitled to the distribution. There are times, however, when that is not the case. Such times generally fall into two categories. First, for equity issues, there are times when the listed exchange will declare an ex-date that is not one business day prior to the record date (*e.g.,* an ex-date that equals payable date +1). At such times, a buyer is entitled to the distribution when the registered holder of an equity issue sells the security prior to the ex-date. Second, for most bonds, the buyer of the security is entitled to the interest payment (*i.e.,* the distribution) on trades that settle up to and including the day before the payable date, even though the buyer is not the record date holder.

With DTC's interim accounting process, during a due bill period, DTC tracks all settled activity, where the receiver (typically a buyer) is entitled to a distribution, and adjusts Participants' record-date positions, crediting the receiver and debiting the deliverer (typically a seller) the distribution amount.[8] DTC states that this process helps ensure accurate payment on the payable date and eliminate time-consuming and costly paper processing.[9]

DTC proposes to amend the Distributions Guide to provide greater clarity and transparency regarding the foregoing description of the interim accounting process.

B. Interim Accounting on a Security Being Delisted

In certain scenarios, listed exchanges might not announce an ex-date that is on or after the date the corresponding security is being delisted. In such instances, if the listed exchange does not declare an ex-date, but instead provides direction that trades in a particular security up to a specified date include the distribution, then DTC captures interim accounting based on the exchange's direction.[10] The current Distributions Guide does not clearly describe the foregoing process. DTC proposes to update the Distributions Guide to clearly describe the process. DTC also proposes to update the copyright date of the Distributions Guide.

C. Interim Accounting for an Ex-Date Change Due to Unscheduled Closing of a Stock Exchange

Occasionally, there is an unscheduled closing of one or more stock exchanges (due to, *e.g.,* a national day of mourning, an event causing significant market disruption or regional impact, etc.). During an unscheduled closing, a listed exchange typically moves ex-dates that were scheduled for that date to the next open business day, which is usually the record date. Such a move is necessary because ex-dates must occur on a business day that the listed exchange is open.[11]

Currently, when an exchange moves ex-dates due to unscheduled closing of the exchange, DTC continues to apply the interim accounting process described above.[12] According to DTC, when there is an unscheduled closure, the intent of the exchange is for the final day of trading with a due bill to fall on the business day prior to the unscheduled closure, so that there would be no executed trades in the security on the day of closure.[13] However, because this scenario causes ex-dates and record dates to coincide,

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 3490747 (December 21, 2020), 85 FR 85765 (December 29, 2020) (File No. SR–DTC–2020–019) (''Notice'').

[4] DTC's Distributions Guide is *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Service%20Guide%20Distributions.pdf.* Capitalized terms not defined herein are defined in the Rules, By-Laws, and Organization Certification of DTC (''Rules''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[5] The ''ex-date'' or ''ex-dividend date'' is the day the stock starts trading without the value of an already-declared dividend.

[6] The record date is the cut-off date used to determine which shareholders are entitled to a corporate dividend. Typically, the ex-date is the day before the record date.

[7] The payable date refers to the date that any declared stock dividends are due to be paid out. Investors who purchased their stock before the ex-date are eligible to receive dividends on the payable date.

[8] The physical movement of securities (such as, deposits, withdrawals-by-transfer, and certificates-on-demand) are not transactions that are included in the interim accounting process; thus, they do not result in adjustments between Participants. *See* Notice, 85 FR at 85766.

[9] *Id.*

[10] DTC states that on the rare occasions, a corporate action event (*e.g.,* a merger) would occur during an interim period that would require DTC to make special processing arrangements. *See id.*

[11] *See, e.g.,* FINRA Rule 11140—Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants'' *available at https://www.finra.org/rules-guidance/rulebooks/finra-rules/11140.*

[12] Notice, 85 FR at 85767.

[13] DTC has participated in various conversations with exchanges, industry representatives, and Participants to better understand and help address this issue. *See id.*

and because the interim accounting process is based on a two-day settlement cycle, an unintended consequence is the application of due bills to activity one day after record date.[14] Since DTC continues to apply its standard interim accounting process, Participants are required to perform adjustments to reverse the interim accounting on activity to which the interim accounting should not have applied, creating unnecessary work for the Participants.[15] In order to avoid the need for such adjustments, DTC proposes to no longer apply the interim accounting process when an exchange moves an ex-date due to an unexpected closure of the exchange.

D. UTW Service

DTC states that its UTW service is designed to help ensure that the appropriate non-resident alien withholding tax is applied to U.S.-sourced income paid to DTC's direct non-U.S. Participants.[16] DTC further states that the applicable withholding tax is determined based on the type of income being paid along with the tax forms provided by the Participant.[17]

The Distributions Guide currently provides that the UTW service is available to non-U.S. Participants, including subaccounts of U.S. Participants, and that users of the UTW service must enter into a Withholding Agent Agreement.[18] DTC believes that U.S. tax regulations [19] require DTC to withhold U.S. tax on payments it makes to its non-U.S. Participants.[20] However, according to DTC, U.S. tax regulations do not contemplate a process under which DTC would withhold tax obligations of its U.S. Participants.[21] DTC also acknowledges its obligations apply regardless of whether there is or is not an agreement between DTC and its Participants to do so.[22] DTC proposes to revise the Distributions Guide to reflect its understanding of the foregoing U.S. tax regulations.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [23] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC. In particular, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [24] and Rule 17Ad–22(e)(21) promulgated under the Act,[25] for the reasons described below.

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act [26] requires, in part, that the rules of a clearing agency be designed, in general, to protect investors and the public interest. As described above, the proposed rule change would update the Distributions Guide to more clearly explain the interim accounting process and, more specifically, provide an explanation of the interim accounting process for a security being delisted, as well as update the copyright date. Additionally, as described above, the proposed rule change would amend the Distributions Guide for consistency with DTC's understanding of relevant U.S. tax regulations. The Commission believes that these changes would provide DTC's Participants and the public with greater clarity and transparency regarding DTC's interim accounting process, which, in turn, is generally to the benefit of investors and the public. Accordingly, the Commission believes that the proposed rule change is designed, in general, to protect investors and the public interest, consistent with Section 17A(b)(3)(F) of the Act.[27]

Section 17A(b)(3)(F) of the Act [28] also requires, in part, that the rules of a clearing agency be designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. As described above, the proposed rule change would change how DTC manages interim accounting when an exchange moves an ex-date due to an unscheduled closure of the exchange, so that DTC will no longer capture interim activity that results from such a scenario. As a result, Participants would no longer need to perform adjustments to reverse the interim accounting on activity to which the interim accounting should not have otherwise applied. By eliminating this need, the proposed rule change should help streamline DTC's interim accounting process for tracking due bills associated with Participants' securities transactions. Because interim accounting is part of DTC's broader mechanism for the clearance and settlement of securities transactions, the Commission believes that by streamlining DTC's interim accounting process, the proposed rule change is designed to remove impediments and perfect the mechanism of the system for the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[29]

B. Consistency With Rule 17Ad–22(e)(21)

Rule 17Ad–22(e)(21) under the Act [30] requires that DTC establish, implement, maintain and enforce written policies and procedures reasonably designed to, in part, be efficient and effective in meeting the requirements of its Participants and the markets it serves. As described above, the proposed rule change would amend the Distributions Guide to (1) provide greater general clarity and transparency regarding DTC's interim accounting process, (2) explain the interim accounting process for a security being delisted, (3) no longer apply interim accounting when an exchange changes an ex-date due to an unscheduled closure of the exchange, and (4) remove the statements that the UTW service is available to subaccounts of U.S. Participants and that users of the UTW service must enter into a Withholding Agent Agreement.

The foregoing proposed changes would improve the Distributions Guide by clarifying DTC's interim accounting processes, as well as the application and requirements of the UTW service. As a result, the proposed changes would help better inform DTC's Participants regarding those matters. Moreover, as described above, the proposed change to no longer apply interim accounting when there is an unscheduled closure of an exchange would provide efficiencies to Participants by obviating the need for them to make unnecessary interim accounting adjustments.

Accordingly, for the reasons stated above, the Commission believes that the proposed rule change is designed to enhance DTC's efficiency and effectiveness in meeting the requirements of its Participants and the

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] Distributions Guide, U.S. Tax Withholding, pg 23, *supra* note 4.

[19] *See* 26 CFR 1.1441–7(a).

[20] *See Notice, 85 FR at 85767.*

[21] *Id.*

[22] *Id.*

[23] 15 U.S.C. 78s(b)(2)(C).

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(21).

[26] 15 U.S.C. 78q–1(b)(3)(F).

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] 17 CFR 240.17Ad–22(e)(21).

markets it serves, consistent with Rule 17Ad–22(e)(21) under the Act.[31]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [32] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [33] that proposed rule change SR–DTC–2020–019, be, and hereby is, *approved*.[34]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02712 Filed 2–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91057; File No. SR–NASDAQ–2020–026]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Adopt a New Requirement Related to the Qualification of Management for Companies From Restrictive Markets

February 4, 2021.

On May 29, 2020, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a new requirement related to the qualification of management for companies whose business is principally administered in a jurisdiction that has secrecy laws, blocking statutes, national security laws, or other laws or regulations restricting access to information by regulators of U.S.-listed companies. The proposed rule change was published for comment in the **Federal Register** on June 12, 2020.[3] On July 20, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On August 21, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change as originally filed.[6] On September 9, 2020, the Commission published notice of Amendment No. 1 and instituted proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[8] On November 17, 2020, the Exchange filed Amendment No. 2 to the proposed rule change.[9] On December 2, 2020, the Commission extended the period for consideration of the proposed rule change to February 7, 2021.[10] On February 1, 2021, the Exchange withdrew the proposed rule change (SR–NASDAQ–2020–026).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02708 Filed 2–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91060; File No. SR–Phlx–2021–05]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Rules

February 4, 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 January 26, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rules at Options 1, Section 1, ''Applicability, Definitions and References''; Options 2, Section 4, ''Obligations of Market Makers''; Options 2, Section 6, ''Market Maker Orders''; Options 3, Section 6, ''Firm Quotations''; Options 3, Section 7, ''Types of Orders and Order and Quote Protocols''; Options 3, Section 10, ''Electronic Execution Priority and Processing in the System''; Options 3, Section 13, ''Price Improvement XL (''PIXL'')''; Options 3, Section 15, ''Simple Order Risk Protections''; Options 3, Section 23, ''Data Feeds and Trade Information''; Options 5, Section 4, ''Order Routing''; Options 8, Section 2, ''Definitions''; and Options 8, Section 32, ''Types of Floor-Based (Non-System) Orders''.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

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[31] *Id.*

[32] 15 U.S.C. 78q–1.

[33] 15 U.S.C. 78s(b)(2).

[34] In approving the proposed rule change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89028 (June 8, 2020), 85 FR 35967. Comments on the proposed rule change can be found at: *https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89342, 85 FR 44951 (July 24, 2020). The Commission designated September 10, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[6] Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026-7677529-222672.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 89794, 85 FR 57260 (September 15, 2020).

[9] Amendment No. 2 is available at: *https://www.sec.gov/comments/sr-nasdaq-2020-026/srnasdaq2020026-8048419-225740.pdf.*

[10] *See* Securities Exchange Act Release No. 90553, 85 FR 79062 (December 8, 2020).

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Phlx Rules at Options 1, Section 1, ''Applicability, Definitions and References''; Options 2, Section 4, ''Obligations of Market Makers''; Options 2, Section 6, ''Market Maker Orders''; Options 3, Section 6, ''Firm Quotations''; Options 3, Section 7, ''Types of Orders and Order and Quote Protocols''; Options 3, Section 10, ''Electronic Execution Priority and Processing in the System''; Options 3, Section 13, ''Price Improvement XL (''PIXL'')''; Options 3, Section 15, ''Simple Order Risk Protections''; Options 3, Section 23, ''Data Feeds and Trade Information''; Options 5, Section 4, ''Order Routing''; Options 8, Section 2, ''Definitions''; and Options 8, Section 32, ''Types of Floor-Based (Non-System) Orders''. Each change is described below.

Options 1, Section 1

The Exchange proposes to update the cross reference within Options 1, Section 1(b)(46) to Options 1, Section 1(b)(45) and make other non-substantive grammatical amendments within Options 1, Section 1.

Options 2, Section 4

The Exchange proposes to add a title to Options 2, Section 4(c)(1) to make clear that this section applies intra-day. The Exchange proposes to add the title, ''Intra-Day Bid/Ask Differentials (Quote Spread Parameters).''

Additionally, the Exchange proposes to remove the phrase, ''or its decimal equivalent rounded down to the nearest minimum increment'' within Options 2, Section 4(c)(1). This is a non-substantive amendment because the bid/ask differentials may be as wide as the spread between the national best bid and offer in the underlying security, if rounding up it would cause the spread to be wider than the underlying spread, so rounding is superfluous.

Options 2, Section 6

The Exchange previously filed a rule change [3] to replace the term ''Registered Options Traders'' or ''ROTs'' with ''Market Makers'' and replace ''Specialists'' with ''Lead Market Makers.'' The Exchange is updating this rule to conform to those prior changes.

Options 3, Section 6

The Exchange proposes to amend Options 3, Section 6 to re-number and re-letter the rule to conform to Phlx's rule structure, update rule citations, and add spacing where necessary.

The Exchange also proposes to amend current Options 3, Section 6(a)(ii)(B)(2)(g)(iv)(A)(4), which provides,

(A) If the Best Price is the Exchange's next available price . . .

and is also equal to both the ABBO price and the Acceptable Range price, any remainder order volume from the execution on the Exchange will be routed away, and if after such routing, there still remain unexecuted contracts, the remainder will be posted on the Phlx at the Acceptable Range price for a period not to exceed ten seconds, and then cancelled after this time has elapsed, unless the member that submitted the original order has instructed the Exchange in writing to re-enter the remaining size, in which case the remaining size will be automatically submitted as a new order. During this up to ten second period, the System will disseminate, on the opposite side of the market from remaining unexecuted contracts: (i) A non-firm bid for the price and size of the next available bid(s) on the Exchange if the remaining size is a seller, or (ii) a non-firm offer for the price and size of the next available offer(s) on the Exchange if the remaining size is a buyer.

The Exchange proposes to amend the sentence which provides,

If the Best Price is the Exchange's next available price . . . and is also equal to both the ABBO price and the Acceptable Trade Range price, any remainder order volume from the execution on the Exchange will be routed away, and if after such routing, there still remain unexecuted contracts, the remainder will be posted on the Phlx at the Acceptable Trade Range price for a period not to exceed ten seconds, and then cancelled after this time has elapsed, unless the member that submitted the original order has instructed the Exchange in writing to re-enter the remaining size, in which case the remaining size will be automatically submitted as a new order.

This statement does not represent the current function of the System. The Exchange proposes to amend the rule text to properly represent system functionality. Today, in this scenario, if the Exchange's next available price is the ABBO price (which equates to the Acceptable Trade Range price) after the remaining order has routed away and executed with quotes at the away exchange and the unexecuted contracts are returned to the Exchange, the incoming order may post at its original limit price, with a new timestamp and would be subject to certain entry checks. The Exchange proposes to amend the sentence to correctly provide,

If the Best Price is the Exchange's next available price . . . and is also equal to both the ABBO price and the Acceptable Trade Range price, any remainder order volume from the execution on the Exchange will be routed away, and if after such routing, there still remain unexecuted contracts, the unexecuted contracts would post to the Order Book at their Limit Order price, with a new timestamp, subject to order entry price checks.

The order entry checks are applied for new orders when they post to the Order Book as provided for in Phlx Options 3, Section 5(a)(4). The Exchange filed prior rule changes [4] which established Phlx's System as it exists today. As the new System was amended through a series of rule changes, certain technology was automated to prevent any manual intervention, and provide System-enforced functionalities. The Exchange believes that this process was modified with certain enhancements which further automated the System. The proposed amendment provides the market participant with greater certainty as to the order. Further, the Exchange offers market participants various options with respect to routing. A market participant may elect to route as a FIND or SRCH Order which provides the Exchange with instructions as to how an order may route anew once posted on the Order Book.[5] A market participant may also choose to submit an order with varying TIF options (*e.g.,* DAY, IOC, GTC) that provide the Exchange instructions as to how to either post an order on the Order Book

[3] *See* Securities Exchange Act Release No. 88213 (February 14, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (''Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Rules From Its Current Rulebook Into Its New Rulebook Shell'').

[4] *See* Securities Exchange Act Release Nos. 50100 (July 27, 2004), 69 FR 46612 (August 3, 2004) (SR–Phlx–2003–59); 55498 (March 20, 2007, 72 FR 14318 (March 27, 2007) (SR–Phlx–2007–15); 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR–Phlx–2009–32); and 72152 (May 12, 2014), 79 FR 28561 (May 16, 2014) (SR–Phlx–2014–32).

[5] Options 5, Section 4 describes the various options routing functionalities available on Phlx.

or cancel back an order after exhausting its potential to trade upon entry.

The final sentence of Options 3, Section 6(a)(ii)(B)(2)(g)(iv)(A)(4),[6] which is being removed, is no longer relevant in this scenario as the ten second period does not exist.

The Exchange proposes to amend current Options 3, Section 6(a)(ii)(B)(4)(a), which states, ''If there are no offers both on the Exchange and on away markets in the affected series, Market Orders to buy in the affected series will be cancelled immediately, and an electronic report of such cancellation will be transmitted to the sender.'' The Exchange proposes to replace ''cancelled immediately'' with the term ''rejected'' to conform the rule text to conform to other uses of the word rejected in the Rulebook. The System would reject and not accept the order in this case.

Finally, the Exchange proposes to amend Supplementary Material .02 to Options 3, Section 6 which states, ''In the event that an SQT, RSQT, and/or Lead Market Maker's electronically submitted quotations interact with the electronically submitted quotations of other SQTs, RSQTs and/or the Lead Market Maker, resulting in the dissemination of a ''locked'' quotation (*e.g.,* $1.00 bid–1.00 offer), the locked quotations will automatically execute against each other in accordance with the allocation algorithm set forth in Options 3, Section 10.'' The phrase, ''resulting in the dissemination of a ''locked'' quotation (*e.g.,* $1.00 bid–1.00 offer)'' is out of date as under the current Options Order Protection and Locked/Crossed Market Plan,[7] the Exchange would not disseminate a locked quotation. Rather, the Exchange would reprice its quote as described within Options 3, Section 4(b)(6). As a result, the Exchange proposes to delete this rule text. The Exchange believes that this rule text existed prior to the Locked and Crossed Market Plan and was not updated when the new plan came into existence.

Options 3, Section 7

Similar to the changes proposed within Options 2, Section 6, the Exchange proposes to replace the term ''Registered Options Traders'' or ''ROTs'' with ''Market Makers'' and replace ''Specialists'' with ''Lead Market Makers'' within Options 3, Section 7 to conform to the remainder of the Rulebook.[8]

The Exchange proposes to amend All-or-None Orders within Options 3, Section 7(b)(5) to add more language to the description of an All-or-None Order to bring greater transparency to this order type. Today, the Exchange provides that All-or-None Orders are non-displayed and non-routable. To expand on this notion, the Exchange proposes to amend the sentence to provide, ''All-or-None Orders are non-routable. The Exchange does not disseminate bids or offers of All-or-None Orders to OPRA and the Top of PHLX Options feed, however All-or-None Orders are displayed in the PHLX Orders[9] and PHLX Depth of Book[10] feed.'' This additional rule text will make clear that these order types are not disseminated on OPRA or the Top of PHLX Options feed, however All-or-None Orders are displayed in the PHLX Orders and PHLX Depth of Book feed.[11] Further, the Exchange proposes to add, ''If an All-or-None Order contingency cannot be met, the All-or-None Order would be bypassed until such time as the contingency could be met.'' This language is intended to make clear that an All-or-None Order will not cause other orders to queue until such time as the All-or-None Order may execute. Rather, the All-or-None Order will rest on the Order Book until the contingency will be met, at which time that Public Customer All-or-None Order will have priority over other orders on the Book. The Exchange believes the addition of this rule text will bring greater transparency to the current System handling of All-or-None Orders.

The Exchange proposes to amend Options 3, Section 7(c)(3), ''Opening Only,'' to correct incorrect rule text, and also add a clarifying sentence. Today, Options 3, Section 7(c)(3) provides, ''An Opening Only (''OPG'') order is entered with a Time in Force (''TIF'') of ''OPG''. This order can only be executed in the Opening Process pursuant to Options 3, Section 8. This order type is not subject to any protections listed in Options 3, Section 15, except for Automated Quotation Adjustments.'' The Exchange proposes to remove the phrase ''except for Automated Quotation Adjustments'' because, today, an OPG order is not subject to Automated Quotation Adjustments. As provided for within Options 3, Section 15(c), Automated Quotation Adjustments protections are available to Market Makers and Lead Market Makers only. Any participant may enter an Opening Only Order. Typically Market Makers and Lead Market Makers submit Valid Width Quotes,[12] as provided for within Options 3, Section 8, during the Opening Process. Further, an Opening Sweep,[13] which is utilized by Market

[6] During this up to ten second period, the System will disseminate, on the opposite side of the market from remaining unexecuted contracts: (i) A non-firm bid for the price and size of the next available bid(s) on the Exchange if the remaining size is a seller, or (ii) a non-firm offer for the price and size of the next available offer(s) on the Exchange if the remaining size is a buyer.

[7] *See* Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009) (File No. 4–546).

[8] *See* note 3 above.

[9] *See* Phlx Options 3, Section 23(a)(2). PHLX Orders is a real-time full Limit Order book data feed that provides pricing information for orders on the PHLX Limit Order book. PHLX Orders is currently provided as part of the TOPO Plus Orders data product. PHLX Orders provides real-time information to enable users to keep track of the single order book(s), single and Complex Orders, and Complex Order Live Auction (''COLA'') for all symbols listed on Phlx. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, leg information on complex strategies and whether the option series is available for trading on Phlx and identifies if the series is available for closing transactions only.

[10] *See* Phlx Options 3, Section 23(a)(3). PHLX Depth of Market is a data product that provides: (i) Order and quotation information for individual quotes and orders on the PHLX book; (ii) last sale information for trades executed on Phlx; (iii) auction; and (iv) an Imbalance Message which includes the symbol, side of the market, size of matched contracts, size of the imbalance, and price of the affected series. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on Phlx and identifies if the series is available for closing transactions only.

[11] The Exchange discusses these data feeds in more detail below.

[12] A Valid Width Quote is a two-sided electronic quotation submitted by a Phlx Electronic Market Maker that meets the following requirements: Options on equities and index options bidding and/or offering so as to create differences of no more than $.25 between the bid and the offer for each option contract for which the prevailing bid is less than $2; no more than $.40 where the prevailing bid is $2 or more but less than $5; no more than $.50 where the prevailing bid is $5 or more but less than $10; no more than $.80 where the prevailing bid is $10 or more but less than $20; and no more than $1 where the prevailing bid is $20 or more, provided that, in the case of equity options, the bid/ask differentials stated above shall not apply to in-the-money series where the market for the underlying security is wider than the differentials set forth above. For such series, the bid/ask differentials may be as wide as the quotation for the underlying security on the primary market, or its decimal equivalent rounded down to the nearest minimum increment. The Exchange may establish differences other than the above for one or more series or classes of options. *See* Options 3, Section 8(a)(ix).

[13] An Opening Sweep is a one-sided order entered by a Specialist or ROT through SQF for execution against eligible interest in the System during the Opening Process. This order type is not subject to any protections listed in Options 3, Section 15, except for Automated Quotation Adjustments. The Opening Sweep will only participate in the Opening Process pursuant to Options 3, Section 8 and will be cancelled upon the open if not executed. *See* Options 3, Section 7(b)(6). This definition is being amended herein to update the terms Specialist and ROT to Lead Market Maker and Market Maker.

Makers and Lead Market Makers, is protected by Automation Quotation Adjustments. The Exchange also proposes to note that OPG orders may not route. Both of these amendments represent current System functionality. This additional information is proposed to bring greater clarity to this TIF.

Options 3, Section 10

The Exchange proposes to make a grammatical correction to Options 3, Section 10 which is non-substantive.

Options 3, Section 13

The Exchange proposes to update incorrect rule references within Options 3, Section 13.

The Exchange proposes to amend various references within Options 3, Section 13 to make clear the manner in which All-Or-None Orders [14] are treated within a PIXL Auction. Specifically, the Exchange proposes to make clear that the term ''Reference BBO,'' as described within Options 3, Section 13(a)(2), describes displayed and non-displayed orders, however, All-Or-None Orders are not considered. The Exchange does not consider All-Or-None Orders, until the order is being allocated because the System is unable to determine whether an All-Or-None Order can be satisfied until the System receives responses to the PIXL Order and is able to allocate the PIXL Order. The Exchange proposes to add rule text to make clear where the Reference BBO or the Reference cPBBO [15] is mentioned, whether All-Or-None Orders are included or excluded. With respect to PIXL entry checks and, thereafter, the treatment of auction responses, All-Or-None Orders are not considered for price checks. The Exchange does consider All-Or-None Orders for allocation purposes. Options 3, Section 13(a)(5)(B)(i), which is not proposed to be amended, provides,

If the Initiating Member selected the single stop price option of the PIXL Auction (except if it is a Complex Order), PIXL executions will occur at prices that improve the stop price, and then at the stop price with up to 40% of the remaining contracts after Public Customer interest is satisfied being allocated to the Initiating Member at the stop price. However, if only one other participant matches the stop price, then the Initiating Member may be allocated up to 50% of the contracts executed at such price. Remaining contracts shall be allocated pursuant to the algorithm set forth in Options 3, Section 10(a)(1)(G) among remaining quotes, orders and PAN responses at the stop price. Thereafter, remaining contracts, if any, shall be allocated to the Initiating Member. The allocation will account for Surrender, if applicable.

Options 3, Section 10 considers All-Or-None Orders that can be satisfied. This proposal clarifies the current System operation.

The Exchange also proposes to add rule text, within Options 3, Section 13(f), to provide that with respect to a PIXL Order for the account of a Public Customer that is paired with an order for the account of another Public Customer, that All-or-None Orders that can be satisfied are included within the Reference BBO. The Exchange considers All-Or-None Orders when checking the Order Book for other Public Customer Orders. The proposed rule text within Options 3, Section 13(f) clarifies the current System operation. The addition of ''including Reference BBO'' is necessary with respect to Complex Orders because a Complex Public Customer-to-Public Customer Cross Order cannot trade equal to or through a non-displayed price. The Complex Public Customer-to-Public Customer Cross Order would be rejected if the result were that it would trade at a price equal to or through the cPBBO.

The Exchange proposes to note ''including Reference BBO'' within Options 3, Section 13(b)(2)(C) and 13(f) to conform the rule text throughout the rule. These amendments represent current System operation. The Reference BBO also pertains to Complex Orders because the cPBBO is derived from displayed quotes for the individual legs.

These amendments are intended to bring greater clarity to the representation of All-Or-None Orders within this Rule.

The Exchange proposes to amend Options 3, Section 13 in various places to replace ''one minimum price improvement increment,'' with ''$0.01.'' This amendment is non-substantive.

The Exchange proposes amendments to Options 3, Section 13(b)(7) and (8) to clarify the rule text. The proposed amendments are non-substantive and are similar to amendments recently made to BX Options 3, Section 13(ii)(I). The Exchange proposes to add some context to the rule to better reflect the current System operation. First, the Exchange purposes to add the word ''execution'' in the first sentences of Options 3, Section 13 (b)(7) and (8). The execution price of the PIXL Auction is utilized to compare to the price of an order on the Limit Order book. The Exchange utilizes the execution price today on Phlx. Adding the word ''execution'' makes clear to members that the initial PIXL Order stop price is not utilized to compare the same side of the market transactions at execution. If the potential execution price of the PIXL Order would be the same or better than the price of an order on the Limit Order book on the same side of the market as the PIXL Order then, today, the PIXL Order would be executed at a price $0.01 better than such limit order, regardless of whether such limit was a Public or Non-Public Customer Order. Second, while the phrase ''or better'' is not clearly specified in the rule text, today, the System captures cases where PAN responses provide price improvement for the PIXL Order at prices that are crossed with the same side interest mentioned above. Third, the remainder of the changes are grammatical and technical in nature. The Exchange is creating two separate sentences for readability.

The remainder of the proposed changes within Options 3, Section 13 are grammatical or technical in nature and therefore non-substantive.

Options 3, Section 15

The Exchange proposes to amend Options 3, Section 15(c)(1) to make clear that the Anti-Internalization functionality does not apply during the Opening Process described within Options 3, Section 8. A similar change was recently made to BX's Rules.[16] The Exchange proposes to clarify that Anti-Internalization does not apply during an Opening Process or reopening following a trading halt, pursuant to Options 3, Section 8, to provide more specificity on how this functionality currently operates. The same procedures used during an Opening Process are used to reopen an option series after a trading halt, and therefore proposes to specify that Anti-Internalization will not apply during the Opening Process (*i.e.,* the opening and halt reopening processes). During the Opening Process, Lead Market Makers are able to observe the primary market and then determine how they would like to submit a Valid Width

[14] Options 3, Section 7(b)(5) provides, ''An All-or-None Order is a Limit Order or Market Order that is to be executed in its entirety or not at all. An All-or None Order may only be submitted by a Public Customer. All-or-None Orders are non-displayed and non-routable. All-or-None Orders are executed in price-time priority among all Public Customer orders if the size contingency can be met. The Acceptable Trade Range protection in Options 3, Section 15(a) is not applied to All-Or-None Orders.'' The Exchange is proposing to amend Options 3, Section 7(b)(5), please see discussion regarding All-or-None Order on page 9.

[15] The term ''cPBBO'' means the best net debit or credit price for a Complex Order Strategy based on the PBBO for the individual options components of such Complex Order Strategy, and, where the underlying security is a component of the Complex Order, the National Best Bid and/or Offer for the underlying security. See Options 3, Section 14(a)(iv).

[16] *See* Securities Exchange Act Release No. 89759 (September 3, 2020). 85 FR 55877 (September 10, 2020) (SR–BX–2020–023).

Quote. AIQ is unnecessary during an Opening Process due to the high level of control that Market Makers exercise over their quotes during this process. This clarifying rule text reflects current System functionality.

The Exchange also proposes to amend Options 3, Section 15 to note that with Automated Quotation Adjustments all interest entered through SQF will be automatically removed. As provided for within Options 3, Section 7(a)(i)(B),

> Specialized Quote Feed'' or ''SQF'' is an interface that allows Lead Market Makers, Streaming Quote Traders (''SQTs'') and Remote Streaming Quote Traders (''RSQTs'') to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses into and from the Exchange. Features include the following: (1) Options symbol directory messages (*e.g.,* underlying and complex instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge request from the Lead Market Maker, SQT or RSQT. Lead Market Makers, SQTs and RSQTs may only enter interest into SQF in their assigned options series.

Today, Quotes and Immediate-or-Cancel Orders that may be entered through SQF are removed when the Automated Quotation Adjustment risk mechanism is triggered. The current rule text only considers quotes entered through SQF. The amendment will update the rule text to represent current System functionality, and will bring greater clarity to Automated Quotation removals. Market Makers and Lead Market Makers utilize the Immediate-or-Cancel Orders within SQF to respond to auctions. The auction response requires the same protection afforded by the Automation Quotation Adjustments which it affords the underlying option in which the Market Maker or Lead Market Maker is quoting continuously among its assigned options classes. The Automation Quotation Adjustments protection removes both quotes and Immediate-or-Cancel Orders submitted through SQF because Market Maker and Lead Market Maker risk applies to all interest in the underlying option in which the Market Maker or Lead Marker Maker is assigned to quote in throughout the trading day. Market Makers and Lead Marker Makers measure risk per underlying option. The System functionality for the Automated Quotation Adjustment is not being amended.

Options 3, Section 23

The Exchange proposes to amend Options 3, Section 23(a)(2) which describes the PHLX Orders data feed. The proposed amendments represent the current information contained in the PHLX Orders feed. The proposed amendments are intended to better represent the information in the feed by adding more description to the current rule text.

The Exchange proposes to note in the first sentence of Options 3, Section 23(a)(2) that PHLX Orders is a real-time full Limit Order book data feed that provides pricing information for orders on the PHLX Order book for displayed order types and All-or-None Orders,[17] as well as market participant capacity.

All-or-None Orders are non-displayed and non-routable. They are executed in price-time priority among all Public Customer Orders if the size contingency can be met. All-or-None Orders have a quantity contingency requiring the full quantity of the order to execute in order for any trade to take place which may cause the order to not execute. If an All-or-None Order contingency cannot be met, the All-or-None Order would be bypassed until such time as the contingency could be met.[18] The Exchange is proposing to amend the rule text within Options 3, Section 7(b)(5) which describes All-or-None Orders to add more clarity about the dissemination of All-or-None Orders and the manner in which the System will bypass those orders if the contingency cannot be met.[19]

The PHLX Orders data feed displays all orders on the Phlx Order Book with original information, this is in contrast to the Top of PHLX Options[20] feed, which is not being amended by this proposal, that only provides information as to the displayed Order Book. The Exchange does not disseminate All-or-None Orders to either the Top of PHLX Options feed or the OPRA data feed because All-or-None Orders may only execute if the contingency can be met, otherwise the System would bypass the All-or-None Order. As such, All-or-None Orders are non-displayed to avoid locking or crossing away markets by displaying this order type which may not execute because of the contingency attributed to the order pursuant to the Options Order Protection and Locked/Crossed Plan.[21] The Exchange does display All-Or-None Orders on the PHLX Orders data feed to inform market participants of orders that are available for execution. Public Customers submitting All-or-None Orders on Phlx desire their orders to be executed and the display of those orders on the PHLX Orders data feed allows other member organizations to see their orders are available to execute against those orders.

Similar to Phlx, Cboe permits all-or-none orders to rest in its order book and does not disseminate all-or-none orders to OPRA.[22] Similar to Phlx, Cboe displays all-or-none orders on its Orders and Depth of Book feed.[23]

The Exchange proposes to remove the second use of the word ''Limit'', as it is redundant. The additional text makes clear that both displayed and non-displayed orders types and market participant capacity are available.

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[17] *See* note 14 above.

[18] Options 3, Section 7(b)(5)(i) provides, ''Non-Displayed Contingency Orders. A Non-Displayed Contingency Order shall be defined to include the following non-displayed order types: (1) Stop Orders; and (2) All-or-None Orders.'' Unlike All-or-None Orders, Stop Orders are not available for execution until such time as the Stop Order's contingency has been met, therefore, Stop Orders are not displayed on data feeds or OPRA until the Stop Order is available for execution.

[19] *See* proposed Options 3, Section 7(b)(5).

[20] Top of PHLX Options (''TOPO'') is a direct data feed product that includes the Exchange's best bid and offer price, with aggregate size, based on displayable order and quoting interest on Phlx and last sale information for trades executed on Phlx. The data contained in the TOPO data feed is identical to the data simultaneously sent to the processor for the OPRA and subscribers of the data feed. The data provided for each options series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on Phlx and identifies if the series is available for closing transactions only. See Options 3, Section 23(a)(1).

[21] 17 CFR 242.608. The ''NBBO'' is the best Protected Bid and Protected Offer as defined in the Options Order Protection and Locked/Crossed Markets Plan; Protected Bids and Protected Offers that are displayed at a price but available on the Exchange at a better non-displayed price shall be included in the NBBO at their better non-displayed price for purposes of this rule. *See* Reg. NMS Rule 600(a)(42). Options 5, Section 1(o) defines a ''Protected Bid'' or ''Protected Offer'' as a Bid or Offer in an options series, respectively, that: (i) Is disseminated pursuant to the OPRA Plan; and (ii) is the Best Bid or Best Offer, respectively, displayed by an Eligible Exchange.

[22] Cboe Rule 5.6(b) provides, ''. . . An ''All-or-None'' or ''AON'' order is an order to be executed in its entirety or not at all. An AON order may be a market or limit order. Users may not designate an AON order as All Sessions. (1) The Exchange does not disseminate bids or offers of AON orders to OPRA. (2) A User may not designate an AON order as Post Only. (3) An AON limit order is always subject to the Price Adjust process as set forth in Rule 5.32. (4) A User may apply MCN (as defined below), but no other MTP Modifier (if a User applies any other MTP Modifier to an AON order, the System handles it as an MCN), to an AON order. (5) The Exchange may restrict the entry of AON orders in a series or class if the Exchange deems it necessary or appropriate to maintain a fair and orderly market. (6) A User may not designate a bulk message as AON.''

[23] See Section 4.5 of this specification: *https://cdn.cboe.com/resources/membership/US_EQUITIES_OPTIONS_MULTICAST_PITCH_SPECIFICATION.pdf.*

The second sentence is being amended to add ''and complex'' in lieu of ''single and Complex Orders, and Complex Order Live Auction (''COLA'') for all symbols listed on Phlx. The sentence, as proposed, would state, ''PHLX Orders is currently provided as part of the TOPO Plus Orders data product. PHLX Orders provides real-time information to enable users to keep track of the single and complex order book(s).'' The Exchange believes the proposed sentence is more succinct.

Finally, the Exchange proposes to add a sentence to the end of the description of PHLX Order feed that provides, ''The feed also provides auction and exposure notifications and order imbalances on opening/reopening (size of matched contracts and size of the imbalance).'' This additional information will more clearly describe the PHLX Orders feed. The Exchange also proposes to add the same sentence to the end of the description for the PHLX Depth of Market feed within Options 3, Section 23(a)(3) to also add the same specificity to that feed. The additional sentence reflects the current information provided in both the PHLX Orders and PHLX Depth of Market feeds.

The removal of the word ''PHLX'' within Options 3, Section 23(a)(3) and addition of the word ''order'' are non-substantive technical amendments.

Options 5, Section 4

The Exchange proposes to amend the sixth sentence of Options 5, Section 4(a) and make some technical amendments. As proposed, the sentence would provide, ''For purposes of this rule, the Phlx's best bid or offer or ''PBBO'' does not include All-or-None Orders or Stop Orders which have not been triggered. The ''internal PBBO'' shall refer to the actual better price of an order resting on Phlx's Order Book, which is not displayed, but available for execution, excluding Stop Orders which have not been triggered and All-or-None Orders which cannot be satisfied.'' Stop Orders must be triggered to be included in the internal PBBO. A Stop Order is not available until such time as its contingency is trigged and then that Stop Order becomes available for execution. Also, the Exchange inadvertently did not include the phrase, ''which cannot be satisfied'' when referencing All-or-None Orders within Options 5, Section 4. The limitation is noted in other places within this rule. An All-or-None Order contingency must be met for this order type to execute, otherwise it will be executed at such time as the contingency could be met. Unlike the Stop Order which is only available once triggered,[24] the All-or-None Order is available for execution once the contingency is met. This proposed amendment reflects current System operation.

Options 8, Section 2

The Exchange proposes to add a sentence within Options 8, Section 2(a) which provides ''The following terms as used in the Rules shall, unless the context otherwise indicates, have the meanings herein specified:''. The Exchange proposes this sentence for context to the information which follows thereafter. This is a non-substantive change.

The Exchange proposes to add a new defined term, ''Floor Lead Market Maker.'' This defined term will bring greater clarity to the Options 8 rules. The Exchange proposes to state, ''The term 'Floor Lead Market Maker' is a member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a) and has a physical presence on the Exchange's trading floor.'' This term is currently utilized within the Options 8 rules.

The Exchange proposes to add the word ''Organization'' within Options 8, Section 2(a)(5). The word was inadvertently left out. This is not a substantive change. The term ''Member Organization'' is a defined term within General 1, Section 1(17).

Options 8, Section 32

The Exchange proposes to amend Options 8, Section 32 to add ''FLEX Option'' to the list of order types that are available on Phlx. The Exchange proposes to provide that a FLEX Option is as described within Options 8, Section 34. Further, FLEX Options are not eligible for entry by a member for execution through the Options Floor Based Management System (''FBMS'').[25] Phlx Options 8, Section 22 provides,

(a) Options transactions on the Exchange's Trading Floor shall be executed in one of the following ways:

(1) automatically by the Exchange Trading System as provided in applicable Exchange Rules;

(2) through the Options Floor Based Management System. Members authorized to operate on the floor are not permitted to execute orders in the Exchange's options trading crowd, except as follows:

(A) The Exchange may determine to permit executions otherwise than in accordance with subparagraphs (1) and (2) above respecting an option or all options in the event of a problem with Exchange systems.

(B) In addition, members can execute orders in the options trading crowd pursuant to Options 8, Section 33, Accommodation Transactions (cabinet trades), and Options 8, Section 34, FLEX Equity, Index and Currency Options.

(C) Multi-leg orders with more than 15 legs can be executed in the trading crowd.

(D) The following split price orders that, due to FBMS system limitations, require manual calculation:

(i) Simple orders not expressed in the applicable minimum increment (''sub-MPV'') and that cannot be evenly split into two whole numbers to create a price at the midpoint of the minimum increment; and (ii) complex and multi-leg orders with at least one option leg with an odd-numbered volume that must trade at a sub-MPV price or one leg that qualifies under (i) above.

(E) As set forth in Options 8, Section 29(e)(v), members may use the Snapshot feature of the Options Floor Based Management System to provisionally execute orders in the options trading crowd.

* * * * *

Today, FLEX Options are executed in open outcry on the Trading Floor and not through the Options Floor Broker Management System as provided for within Options 8, Section 22(a)(1)(B).[26] The Exchange believes that the addition of FLEX Options within Options 8, Section 34 will make clear the order types that are available for execution on the Trading Floor and also clearly note

[24] Stop orders are inactive until they are ''elected.'' Stop orders are elected when either the bid (offer) is updated to a price equal to or greater (less) than the stop price of a Buy (Sell) Stop order or an execution on the Exchange occurs at a price equal to or greater (less) than the stop price of a Buy(Sell) stop order. Stop order election takes place at the end of the transaction that caused the election and at that time the stop order enters the book as a new market or limit order depending on the participant instructions. Stop orders that are ''electable'' upon entry are rejected.

[25] FBMS, an order management system, is the gateway for the electronic execution of equity, equity index and U.S. dollar-settled foreign currency option orders represented by Floor Brokers on the Exchange's Options Floor. Floor Brokers contemporaneously upon receipt of an order and prior to the representation of such an order in the trading crowd, record all options orders represented by such Floor Broker into FBMS, which creates an electronic audit trail. The execution of orders into Phlx's electronic trading system also occurs via FBMS.

[26] The Exchange has previously noted that FLEX may be executed manually. *See* Securities and Exchange Act Release No. 69471 (April 29, 2013), 78 FR 26096 (May 3, 2013) (SR–Phlx–2013–09). The rule change noted that FLEX orders will continue to be executable by Floor Brokers in the trading crowd, rather than through FBMS because FBMS will not be able to accept FLEX orders, which have varied and complicated terms. Further, the Exchange requires floor brokers or their employees to enter the certain data elements into the Exchange's electronic audit trail in the same electronic format as the required information for equity and index options. Floor brokers or their employees must enter the required information for FLEX Options into the electronic audit trail on the same business day that a specific event surrounding the lifecycle of an order in FLEX (including, without limitation, orders, price or size changes, execution or cancellation) occurs. *See* Securities and Exchange Act Release No. 50997 (January 7, 2005), 70 FR 2444 (January 3, 2013) (SR–Phlx–2003–40). *See also* Options 8, Section 28(f).

that this order type is not eligible for FBMS.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[27] in general, and furthers the objectives of Section 6(b)(5) of the Act,[28] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

Options 1, Section 1

The Exchange's proposal to update the cross reference within Options 1, Section 1(b)(46), and make other grammatical amendments within Options 1, Section 1 are non-substantive.

Options 2, Section 4

The Exchange's proposal to add a title to Options 2, Section 4(c)(1) to make clear that this section applies intra-day is consistent with the Act because it will bring greater clarity to the rule text.

The Exchange's proposal to remove the phrase, ''or its decimal equivalent rounded down to the nearest minimum increment'' within Options 2, Section 4(c)(1) is a non-substantive amendment because the bid/ask differentials may be as wide as the spread between the national best bid and offer in the underlying security, if rounding up it would cause the spread to be wider than the underlying spread, so rounding is superfluous.

Options 2, Section 6

The Exchange's proposal to update certain terms within Options 2, Section 6, which conforms with a previously filed rule change,[29] is consistent with the Act. The updates to change the names of the terms are non-substantive.

Options 3, Section 6

The Exchange's proposal to amend Options 3, Section 6 to re-number and re-letter the rule to conform to Phlx's rule structure, update rule citations, and add spacing where necessary are non-substantive amendments.

The Exchange's proposal to amend current Options 3, Section 6(a)(ii)(B)(2)(g)(iv)(A)(4) is consistent with the Act. While processing an order that is working through Acceptable Trade Ranges, if that order encounters a situation where the Exchange's next available price is the ABBO that also equals the outer limit of the Acceptable Trade Range, the order is able to post at its limit price on the Order Book after routing after it is executed with quotes at the away exchange. Any unexecuted contracts which return to the Exchange may post at their original limit price with a new timestamp, subject to certain entry checks. Order entry checks are applied for new orders when they post to the Order Book as provided for in Phlx Options 3, Section 5(a)(4). This proposed rule text protects investors and the general public because it will provide market participants with an expectation of how the System will handle orders that remain unexecuted in this scenario. The proposed amendment provides the market participant with greater certainty as to the order. Further, the Exchange offers market participants various options with respect to routing. A market participant may elect to route as a FIND or SRCH Order which provides the Exchange with instructions as to how an order may route anew once posted on the Order Book.[30] A market participant may also choose to submit an order with varying TIF options (*e.g.,* DAY, IOC, GTC) that provide the Exchange instructions as to how to either post an order on the Order Book or cancel back an order after exhausting its potential to trade upon entry. Further, this amendment provides more liquidity on the Exchange with the order posting to the Order Book, instead of potentially being cancelled after a 10 second period.

The Exchange's proposal to amend current Options 3, Section 6(a)(ii)(B)(4)(a), to replace the term ''cancelled immediately'' with ''rejected'' conforms the rule text to other uses of the word rejected within the Rulebook. This amendment is non-substantive.

Finally, the Exchange's proposal to amend Supplementary Material .02 to Options 3, Section 6 to remove the phrase, ''resulting in the dissemination of a ''locked'' quotation (*e.g.,* $1.00 bid—1.00 offer)'' is consistent with the Act. This phrase is out of date as under the current Locked and Crossed Market Plan, the Exchange would not disseminate a locked quotation. Rather, the Exchange would reprice its quote as described within Options 3, Section 4(b)(6). The Exchange believes that this rule text existed prior to the Locked and Crossed Market Plan and was not updated since that plan came into existence. The amendment will protect investors and the general public by removing this inaccurate statement.

Options 3, Section 7

Similar to the changes proposed within Options 2, Section 6, the Exchange's proposal to replace the term ''Registered Options Traders'' or ''ROTs'' with ''Market Makers'' and replace ''Specialists'' with ''Lead Market Makers'' within Options 3, Section 7 conforms the usage of these terms within Phlx's Rulebook.[31] These non-substantive amendments which update outdated terms within Options 3, Section 7 is consistent with the Act.

The Exchange's proposal to amend All-or-None Orders within Options 3, Section 7(b)(5) to add more language to the description of an All-or-None Order is consistent with the Act because the proposed rule text will bring greater transparency to this order type. The Exchange today provides that All-or-None Orders are non-displayed and non-routable. To expand on this notion, the Exchange proposes to amend the sentence to provide, ''All-or-None Orders are non-routable. The Exchange does not disseminate bids or offers of All-or-None Orders to OPRA and the Top of PHLX Options feed, however All-or-None Orders are displayed in the PHLX Orders and PHLX Depth of Book feed.'' This additional rule text will make clear that these order types are not disseminated on OPRA. Further, the Exchange proposes to add, ''If an All-or-None Order contingency cannot be met, the All-or-None Order would be bypassed until such time as the contingency could be met.'' This language is intended to make clear that an All-or-None Order will not cause other orders to queue until such time as the All-or-None Order may execute. Rather, the All-or-None Order will rest on the Order Book until the contingency will be met, at which time that Public Customer All-or-None Order will have priority over other orders on the Book. The Exchange believes the addition of this rule text will bring greater transparency to the current System handling of All-or-None Orders.

The Exchange's proposal to amend Options 3, Section 7(c)(3), ''Opening Only,'' to correct incorrect rule text, and also add a clarifying sentence, is consistent with the Act. Today, Options 3, Section 7(c)(3) provides, ''An Opening Only (''OPG'') order is entered with a TIF of ''OPG''. This order can only be executed in the Opening Process pursuant to Options 3, Section 8. This order type would continue to not be valid outside of the Opening Process. This order type is not subject to any protections listed in Options 3, Section

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

[29] *See* note 3 above.

[30] *See* note 5 above.

[31] *Id.*

15, except for Automated Quotation Adjustments.'' The Exchange proposes to remove the phrase ''except for Automated Quotation Adjustments'' because, today, an OPG order is not subject to Automated Quotation Adjustments. The Exchange believes that it is consistent with the Act to not apply any risk protections during the Opening Process as the Opening Process itself has boundaries within which orders will be executed. As provided for within Options 3, Section 15(c), Automated Quotation Adjustments protections are available to Market Makers and Lead Market Makers only. Any participant may enter an Opening Only Order. Typically Market Makers and Lead Market Makers submit Valid Width Quotes, as provided for within Options 3, Section 8, during the Opening Process. Further, an Opening Sweep,[32] which is utilized by Market Makers and Lead Market Makers, is protected by Automation Quotation Adjustments. The Exchange's proposal to note that OPG orders may not route will bring greater transparency to the rule.

Options 3, Section 10

The Exchange's proposal to make a grammatical correction to Options 3, Section 10 is non-substantive.

Options 3, Section 13

The Exchange's proposal to update certain rule references within Options 3, Section 13 is non-substantive.

The Exchange's proposal to amend various references within Options 3, Section 13 to make clear the manner in which All-Or-None Orders are treated within a PIXL Auction is consistent with the Act as this rule text will bring greater clarity to the current System operation. All-or None Orders are Limit Orders or Market Orders that are to be executed in their entirety or not at all, and are non-displayed.[33] The term ''Reference BBO,'' as described within Options 3, Section 13(a)(2), describes displayed and non-displayed orders, however, All-Or-None Orders are not considered. Today, the System does not consider All-Or-None Orders, until the order is being allocated because the System is unable to determine whether an All-Or-None Order can be satisfied until the System receives responses to the PIXL Order and is able to allocate the PIXL Order. The Exchange proposes to add rule text to make clear where the Reference BBO or the Reference cPBBO is mentioned, whether All-Or-None Orders are included or excluded. With respect to PIXL entry checks and, thereafter, the treatment of auction responses, All-Or-None Orders are not considered for price checks. The Exchange's proposal protects investors and the general public by considering the contingency associated with an All-Or-None Order when it can be determined if the All-Or-None Order can be satisfied based on allocation priority and responses received to the PIXL Order.

The Exchange's proposal to add rule text, within Options 3, Section 13(f), to provide that with respect to a PIXL Order for the account of a Public Customer that is paired with an order for the account of another Public Customer, that All-Or-None Orders that can be satisfied are included within the Reference BBO is consistent with the Act. Today, Phlx does consider All-Or-None Orders when checking the Order Book for other Public Customer Orders. The proposed rule text within Options 3, Section 13(f) clarifies the current System operation. Specifically, the addition of ''including Reference BBO'' is necessary with respect to Complex Orders because a Complex Public Customer-to-Public Customer Cross Order cannot trade equal to or through a non-displayed price. The Complex Public Customer-to-Public Customer Cross Order would be rejected if the result were that it would trade at a price equal to or through the cPBBO.

The Exchange's proposal to amend Options 3, Section 13 in various places to replace ''one minimum price improvement increment,'' with ''$0.01'' is a non-substantive amendment.

The Exchange's proposed amendments to Options 3, Section 13(b)(7) and (8) are consistent with the Act because they clarify the current rule text by adding ''or better'' to make clear that the execution price may be better than an order on the Limit Order Book. Today, this is the case. This context reflects the current System operation. Similar amendments were made recently made to BX Options 3, Section 13(ii)(I).

The remainder of the proposed changes within Options 3, Section 13 are grammatical or technical in nature and therefore non-substantive.

Options 3, Section 15

The Exchange's proposal to amend Options 3, Section 7(c)(3), ''Opening Only,'' to correct incorrect rule text, and also add a clarifying sentence is consistent with the Act. The Exchange's proposal to remove the phrase ''except for Automated Quotation Adjustments'' because, today, an OPG order is not subject to Automated Quotation Adjustments. As provided for within Options 3, Section 15(c), Automated Quotation Adjustments protections are available to Market Makers and Lead Market Makers only. Any participant may enter an Opening Only Order. Typically Market Makers and Lead Market Makers submit Valid Width Quotes, as provided for within Options 3, Section 8, during the Opening Process. Further, an Opening Sweep, which is utilized by Market Makers and Lead Market Makers, is protected by Automation Quotation Adjustments. Nasdaq BX, Inc. recently adopted a similar rule.[34] This proposal represent current System functionality.

The Exchange's proposal to note that OPG orders may not route is consistent with the Act. This additional information will bring greater clarity to this TIF. This proposal represent current System functionality.

The Exchange's proposal to amend Options 3, Section 15(c)(1) to make clear that the Anti-Internalization functionality does not apply during the Opening Process described within Options 3, Section 8 is consistent with the Act. Anti-Internalization will not apply during an Opening Process is consistent with the Act as it would provide more specificity on how this functionality currently operates. During the Opening Process, Lead Market Makers are able to observe the primary market and then determine how they would like to quote. Anti-Internalization is unnecessary during an Opening Process due to the high level of control that Lead Market Makers exercise over their quotes during this process. A similar change was recently made to BX's Rules.[35]

Options 3, Section 23

The Exchange's proposal to amend Options 3, Section 23(a)(2), which describes the PHLX Orders data feed, is consistent with the Act. All-or-None Orders are non-displayed and non-routable. They are executed in price-

[32] An Opening Sweep is a one-sided order entered by a Specialist or ROT through SQF for execution against eligible interest in the System during the Opening Process. This order type is not subject to any protections listed in Options 3, Section 15, except for Automated Quotation Adjustments. The Opening Sweep will only participate in the Opening Process pursuant to Options 3, Section 8 and will be cancelled upon the open if not executed. *See* Options 3, Section 7(b)(6). This definition is being amended herein to update the terms Specialist and ROT to Lead Market Maker and Market Maker.

[33] *See* Options 3, Section 7(b)(5).

[34] *See* Securities Exchange Act Release No. 89731 (September 1, 2020), 85 FR 55524 (September 8, 2020) (SR–BX–2020–016) (Order Approving Proposed Rule Change To Amend BX's Opening Process in Connection With a Technology Migration).

[35] *See* note 16 above.

time priority among all Public Customer Orders if the size contingency can be met. All-or-None Orders have a quantity contingency requiring the full quantity of the order to execute in order for any trade to take place which may cause the order to not execute. If an All-or-None Order contingency cannot be met, the All-or-None Order would be bypassed until such time as the contingency could be met.

The PHLX Orders data feed displays all orders on the Phlx Order Book with original information, this is in contrast to the Top of PHLX Options feed, which is not being amended by this proposal, that only provides information as to the displayed Order Book. The Exchange does not disseminate All-or-None Orders to either the Top of PHLX Options feed or the OPRA data feed because All-or-None Orders may only execute if the contingency can be met, otherwise the System would bypass the All-or-None Order. As such, All-or-None Orders are non-displayed to avoid locking or crossing away markets by displaying this order type which may not execute because of the contingency attributed to the order pursuant to the Options Order Protection and Locked/Crossed Plan.[36] The Exchange does display All-Or-None Orders on the PHLX Orders data feed to inform market participants of orders that are available for execution. Public Customers submitting All-or-None Orders on Phlx desire their orders to be executed and the display of those orders on the PHLX Orders data feed allows other member organizations to see their orders are available to execute against those orders.

Similar to Phlx, Cboe permits all-or-none orders to rest in its order book and does not disseminate all-or-none orders to OPRA.[37] Similar to Phlx, Cboe displays all-or-none orders on its Depth of Book feed.[38] The proposed amendments represent the current information contained in the PHLX Orders feed. The proposed amendments are intended to add more description and bring greater clarity to the rule text.

Options 5, Section 4

The Exchange's proposal to amend Options 5, Section 4(a) is consistent with the Act as the proposal clarifies the definition of internal PBBO. Stop Orders must be triggered to be included in the internal PBBO. A Stop Order is not available until such time as its contingency is trigged and then that Stop Order becomes available for execution. Also, the Exchange inadvertently did not include the phrase, ''which cannot be satisfied'' when referencing All-or-None Orders within Options 5, Section 4. The limitation is noted in other places within this rule. An All-or-None Order contingency must be met for this order type to execute, otherwise it will be executed at such time as the contingency could be met. Unlike the Stop Order which is only available once triggered,[39] the All-or-None Order is available for execution once the contingency is met. This proposed amendment reflects current System operation.

Options 8, Section 2

The Exchange's proposal to add a new defined term, ''Floor Lead Market Maker'' is consistent with the Act and will bring greater clarity to the Options 8 rules. This term is currently utilized within the Options 8 rules.

The Exchange's proposal to add an introductory sentence within Options 8, Section 2(a) is a non-substantive amendment which will bring greater clarity to the rule text. The addition of the word ''Organization'' within Options 8, Section 2(a)(5) will correct the rule text to provide for a defined term.

Options 8, Section 32

The Exchange's proposal to amend Options 8, Section 32 to add ''FLEX Option'' to the list of order types that are available on Phlx is consistent with the Act because the addition of FLEX Options within Options 8, Section 34 will make clear the order types that are available for execution on the Trading Floor. Today, FLEX Options are executed in open outcry on the Trading Floor and not through the Options Floor Broker Management System as provided for within Options 8, Section 22B.[40]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Options 1, Section 1

The Exchange's proposal to update the cross reference within Options 1, Section 1(b)(46) and make other grammatical amendments within Options 1, Section 1 does not impose an undue burden on competition as these amendments are non-substantive.

Options 2, Section 4

The Exchange's proposal to add a title to Options 2, Section 4(c)(1) to make clear that this section applies intra-day does not impose an undue burden on competition because it will bring greater clarity to the rule text.

The Exchange's proposal to remove the phrase, ''or its decimal equivalent rounded down to the nearest minimum increment'' within Options 2, Section 4(c)(1) does not impose an undue burden on competition. This is a non-substantive amendment because the bid/ask differentials may be as wide as the spread between the national best bid and offer in the underlying security, if rounding up it would cause the spread to be wider than the underlying spread, so rounding is superfluous.

Options 2, Section 6

The Exchange's proposal to update certain terms within Options 2, Section 6 conform the rule with the use of terms in the Rulebook[41] and does not impose an undue burden on competition. These changes are non-substantive.

Options 3, Section 6

The Exchange's proposal to amend Options 3, Section 6 to re-number and re-letter the rule to conform to Phlx's rule structure, update rule citations, and add spacing where necessary does not impose an undue burden on competition as these amendments are non-substantive.

The Exchange's proposal to amend current Options 3, Section 6(a)(ii)(B)(2)(g)(iv)(A)(4) does not

[36] 17 CFR 242.608. Pursuant to Section 6 of the Plan, Locked and Crossed Markets, The Participants agree that they shall establish, maintain and enforce written rules that: (a) Require their members reasonably to avoid displaying Locked and Crossed Markets; (b) Are reasonably designed to assure the reconciliation of Locked and Crossed Markets; and (c) Prohibit its members from engaging in a pattern or practice of displaying Locked and Crossed Markets; in all cases subject to such exceptions as may be contained in the rules of a Participant approved by the Commission.

[37] Cboe Rule 5.6(b) provides, ''. . . An ''All-or-None'' or ''AON'' order is an order to be executed in its entirety or not at all. An AON order may be a market or limit order. Users may not designate an AON order as All Sessions. (1) The Exchange does not disseminate bids or offers of AON orders to OPRA. (2) A User may not designate an AON order as Post Only. (3) An AON limit order is always subject to the Price Adjust process as set forth in Rule 5.32. (4) A User may apply MCN (as defined below), but no other MTP Modifier (if a User applies any other MTP Modifier to an AON order, the System handles it as an MCN), to an AON order. (5) The Exchange may restrict the entry of AON orders in a series or class if the Exchange deems it necessary or appropriate to maintain a fair and orderly market. (6) A User may not designate a bulk message as AON.''

[38] See Section 4.5 of this specification. *https://cdn.cboe.com/resources/membership/US_EQUITIES_OPTIONS_MULTICAST_PITCH_SPECIFICATION.pdf.*

[39] *See* note 24 above.

[40] *See* note 25 above.

[41] *See* note 3 above.

impose an undue burden on competition as this proposal will correct the rule text within Options 3, Section 6, and provide market participants with the expected outcome in this scenario. The proposed amendment provides the market participant with greater certainty as to the order. Further, the Exchange offers market participants various options with respect to routing and time in force. A market participant may elect to route as a FIND or SRCH Order which provides the Exchange with instructions as to how an order may route anew once posted on the Order Book.[42] A market participant may also choose to submit an order with varying TIF options (*e.g.,* DAY, IOC, GTC) that provide the Exchange instructions as to how to either post an order on the Order Book or cancel back an order after exhausting its potential to trade upon entry.

The Exchange's proposal to amend current Options 3, Section 6(a)(ii)(B)(4)(a), to replace ''cancelled immediately'' with the term ''rejected'' conforms the rule text to other uses of the word rejected within the Rulebook. This amendment is non-substantive.

The Exchange's proposal to amend Supplementary Material .02 to Options 3, Section 6 does not impose an undue burden on competition as this amendment corrects out of date rule text. The System does not disseminate locked quotations, rather the System re-prices orders. The amendment will remove an inaccurate statement and bring greater clarity to the Rulebook.

Options 3, Section 7

The Exchange's proposal to update certain terms within Options 3, Section 7 to conform to a prior rule change [43] does not impose an undue burden on competition. These changes are non-substantive.

The Exchange's proposal to amend All-or-None Orders within Options 3, Section 7(b)(5) to add more language to the description of an All-or-None Order does not impose an undue burden on competition because the proposed rule text will bring greater transparency to this order type. The Exchange today provides that All-or-None Orders are non-displayed and non-routable. To expand on this notion, the Exchange proposes to amend the sentence to provide, ''All-or-None Orders are non-routable. The Exchange does not disseminate bids or offers of All-or-None Orders to OPRA and the Top of PHLX Options feed, however All-or-None Orders are displayed in the PHLX Orders and PHLX Depth of Book feed.'' This additional rule text will make clear that these order types are not disseminated on OPRA. Further, the Exchange proposes to add, ''If an All-or-None Order contingency cannot be met, the All-or-None Order would be bypassed until such time as the contingency could be met.'' This language is intended to make clear that an All-or-None Order will not cause other orders to queue until such time as the All-or-None Order may execute. Rather, the All-or-None Order will rest on the Order Book until the contingency will be met, at which time that Public Customer All-or-None Order will have priority over other orders on the Book. The Exchange believes the addition of this rule text will bring greater transparency to the current System handling of All-or-None Orders.

The Exchange's proposal to amend Options 3, Section 7(c)(3), ''Opening Only,'' to amend incorrect rule text, and also add a clarifying sentence does not impose an undue burden on competition. An OPG Only Order may be executed by any market participant in the Opening Process pursuant to Options 3, Section 8. This order type would continue to not be not valid outside of the Opening Process.

Removing the phrase ''except for Automated Quotation Adjustments'' does not impose an undue burden on competition because, today, an OPG Order is not subject to Automated Quotation Adjustments. The Opening Process itself has boundaries within which orders will be executed. Any participant may enter an Opening Only Order. Typically Market Makers and Lead Market Makers submit Valid Width Quotes, as provided for within Options 3, Section 8, during the Opening Process. Further, an Opening Sweep which is utilized by Market Makers and Lead Market Makers, is protected by Automation Quotation Adjustments. The Exchange's proposal to note that OPG orders may not route will bring greater transparency to the rule.

Options 3, Section 10

The Exchange's proposal to make a grammatical correction to Options 3, Section 10 is non-substantive.

Options 3, Section 13

The Exchange's proposal to update certain rule references within Options 3, Section 13 is non-substantive.

The Exchange's proposal to amend various references within Options 3, Section 13 to make clear the manner in which All-Or-None Orders are treated by the System within a PIXL Auction does not impose an undue burden on competition as this rule text will bring greater clarity to the current System operation. All market participants will be treated in a uniform manner when they enter an All-Or-None Order into PIXL.

The Exchange's proposal to add rule text, within Options 3, Section 13(f), to provide that with respect to a PIXL Order for the account of a Public Customer that is paired with an order for the account of another Public Customer, that All-Or-None Orders that can be satisfied are included within the Reference BBO does not impose an undue burden on competition. The proposed rule text within Options 3, Section 13(f) clarifies the current System operation. The Reference BBO also pertains to Complex Orders because the cPBBO is derived from displayed quotes for the individual legs.

The Exchange's proposal to make clear where the Reference BBO is specified within this rule, or the Reference cPBBO, that All-or-None Orders are excluded does not impose an undue burden on competition. The Exchange proposes to note ''including Reference BBO'' within Options 3, Section 13(b)(2)(C) and 13(f) to conform the rule text. The Reference BBO also pertains to Complex Orders because the cPBBO is derived from displayed quotes for the individual legs. This represents current System operation.

The Exchange's proposal to amend Options 3, Section 13 in various places to replace ''one minimum price improvement increment,'' with ''$0.01'' is a non-substantive amendment.

The Exchange's proposed amendments to Options 3, Section 13(b)(7) and (8) do not impose an undue burden on competition because they clarify current rule text without any substantive amendment.

The remainder of the proposed changes within Options 3, Section 13 are grammatical or technical in nature and therefore non-substantive.

Options 3, Section 15

The Exchange's proposal to note that the Automated Quotation Adjustments protection removes both quotes and Immediate-or-Cancel Orders does not impose an undue burden on competition. Market Makers and Lead Market Makers utilize the Immediate-or-Cancel Orders within SQF to respond to auctions. The auction response requires the same protection afforded by the Automation Quotation Adjustments which it affords the underlying option in which the Market Maker or Lead Market Maker is quoting continuously among its assigned options classes. The Automation Quotation Adjustments

[42] *See* note 5 above.

[43] *Id.*

protection removes both quotes and Immediate-or-Cancel Orders submitted through SQF because Market Maker and Lead Market Maker risk applies to all interest in the underlying option in which the Market Maker or Lead Marker Maker is assigned to quote in throughout the trading day. Market Makers and Lead Marker Makers measure risk per underlying option. The System functionality for the Automated Quotation Adjustment is not being amended.

The Exchange believes its proposal to clarify that Anti-Internalization will not apply during an Opening Process does not impose an undue burden on competition as it would provide more specificity on how this functionality currently operates. During the opening, Market Makers are able to observe the primary market and then determine how they would like to quote. Market Makers are sophisticated market participants that have their own tools and other protections to manage risk during the Opening Process.

Options 3, Section 23

The Exchange's proposal to amend Options 3, Section 23(a)(2), which describes the PHLX Orders data feed, does not impose an undue burden on competition. The proposed amendments represent current information contained in the PHLX Orders feed. This proprietary data feed displays all orders on the Order Book with original information, whereas the Exchange's the Top of PHLX Options feed, which is not being amended by this proposal, only provides information as to the displayed order book. The Exchange does not disseminate non-displayed order information to the OPRA data feed, rather only non-displayed prices are submitted. The Exchange does display All-Or-None Orders on the PHLX Orders data feed to inform market participants of orders that are available for execution. Public Customers submitting All-or-None Orders on Phlx desire their orders to be executed and the display of those orders on the PHLX Orders data feed allows other member organizations to see their orders are available to execute against those orders. The proposed amendments are simply clarifying in nature and intended to add more description to the rule.

Options 5, Section 4

The Exchange's proposal to amend Options 5, Section 4(a), and make some technical amendments, does not impose an undue burden on competition. Stop Orders must be triggered to be included in the internal PBBO. A Stop Order is not available until such time as its contingency is triggered and then that Stop Order becomes available for execution. Also, the Exchange inadvertently did not include the phrase, ''which cannot be satisfied'' when referencing All-or-None Orders within Options 5, Section 4. The limitation is noted in other places within this rule. An All-or-None Order contingency must be met for this order type to execute, otherwise it will be executed at such time as the contingency could be met. Unlike the Stop Order which is only available once triggered,[44] the All-or-None Order is available for execution once the contingency is met. This proposed amendment reflects current System operation and will bring greater clarity to the rule.

Options 8, Section 2

The Exchange's proposal to add a new defined term, ''Floor Lead Market Maker'' does not impose an undue burden on competition. This defined term, which is currently utilized within the Options 8 rules, will bring greater clarity to the Options 8 rules.

The Exchange's proposal to add an introductory sentence within Options 8, Section 2(a) that provides context to the information that follows is a non-substantive amendment. The addition of the word ''Organization'' within Options 8, Section 2(a)(5) will make clear the reference to the defined term ''member organization.''

Options 8, Section 32

The Exchange's proposal to amend Options 8, Section 32 to add ''FLEX Option'' to the list of order types that are available on Phlx does not impose an undue burden on competition because the addition of FLEX Options within Options 8, Section 34 will make clear the order types that are available for execution on the Trading Floor. Today, FLEX Options are executed in open outcry on the Trading Floor and not through the Options Floor Broker Management System as provided for within Options 8, Section 22B.[45]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[44] *See* note 24 above.

[45] *See* note 23 above.

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)(iii) of the Act[46] and subparagraph (f)(6) of Rule 19b–4 thereunder.[47]

A proposed rule change filed under Rule 19b–4(f)(6)[48] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[49] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange asserts that waiver of the 30-day operative delay would be consistent with the protection of investors and the general public by permitting the Exchange to immediately remove the two incorrect and contradictory sentences in the Phlx routing rule to bring greater clarity and transparency to its rules. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will bring greater transparency to the rules of the Exchange. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change operative upon filing.[50]

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

[46] 15 U.S.C. 78s(b)(3)(A)(iii).

[47] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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.

[48] 17 CFR 240.19b–4(f)(6).

[49] 17 CFR 240.19b–4(f)(6)(iii).

[50] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2021–05. 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–Phlx–2021–05 and should be submitted on or before March 3, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02710 Filed 2–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91058; File No. SR–Phlx–2021–04]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Its PSX Equity and General Rules From Its Current Rulebook Into Its New Rulebook Shell and Make Other Changes to the Phlx Rules

February 4, 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 January 22, 2021, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to relocate its PSX equity and general rules from its current Rulebook into its new Rulebook shell and make other changes to the Phlx Rules.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to relocate the PSX equity and general rules from the current Rulebook into the new Rulebook shell [3] and also make other amendments to the Phlx Rules. The Exchange also proposes a number of minor, non-substantive changes to the Rulebook shell as described below. The relocation and harmonization of these rules is part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its affiliated exchanges. The Exchange believes that the placement of these rules into their new location in the Rulebook shell will facilitate the use of the Rulebook by members and member organizations.

Universal Changes

The Exchange proposes to update all cross-references within the Rulebook shell to the new relocated rule cites. The Exchange proposes to replace internal rule references to simply state ''this Rule'' where the rule is citing itself without a more specific cite included in the Rule. For example, if PSX Rule 4619 refers currently to ''Rule 4619'' or ''this Rule 4619'' the Exchange will amend the phrase to simply ''this Rule.'' Except where the Exchange specifies below that it will retain the current rule numbering, the Exchange also proposes to conform the paragraph numbering and lettering to that used in the Rulebook shell for greater consistency, and to correct punctuation. The Exchange proposes to replace ''PSX Rules'' with ''Equity Rules'' where applicable as the title of the ruleset is proposed to be ''Equity Rules.'' Furthermore, the Exchange proposes to delete any empty reserved rules and already deleted rules in the current Rulebook. Finally, the Exchange proposes to make certain technical corrections to add hyphens and spacing where necessary.

In addition to updating rule citations impacted by the proposed rule relocations herein, the Exchange

[51] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Previously, the Exchange filed to relocate other rules within its Rulebook. *See* Securities Exchange Act Release No. 88213 (February 14, 2020), 85 FR 9859 (February 20, 2020) (SR–Phlx–2020–03) (''Prior Relocation Rule Change'').

proposes to update several rule citations to rules which were previously relocated in the Prior Relocation Rule Change. Accordingly, rule citations to the following rules are being updated with this proposal: Rule 133 (now Rule 3101); Rule 703 (now Options 6D, Section 1); Rule 707 (currently PSX Rule 3503);[4] Rule 765 (now General 9, Section 1(a)); Rule 910 (now General 3, Section 1); Rule 911 (now General 3, Section 12); Rule 985 (now General 2, Section 4); and Rule 1092 (now Options 3, Section 20).

General 1

The Exchange proposes to add a title under ''General 1 General Provisions'' which states ''Section 1 Definitions.'' Also, the Exchange proposes to update rule citations to relocated rules as well as rule citations to rules which were previously relocated in the Prior Relocation Rule Change. The Exchange notes that The Nasdaq Stock Market LLC (''Nasdaq'') recently amended certain rule citations which also impact proposed changes herein, particularly with respect to General 4 rule numbering.[5]

General 2

The Exchange proposes to relocate Rule 3600. Regulatory Services Agreements to General 2, Section 5, which was reserved. The Exchange proposes to update rule citations to rules which were previously relocated in the Prior Relocation Rule Change.

General 4

The Exchange proposes to re-title General 4 as ''Registration Requirements.'' The rule is currently titled ''Regulation.'' The Exchange proposes to add a period at the end of General 4, Section 1. The Exchange also proposes to amend rule numbering to conform with a recent Nasdaq rule change.[6]

General 5

The Exchange proposes to relocate the text of Minor Rule Violations rules into General 5. Today, the Minor Rule Violations, except for violations of General 7, are delineated within General 5. The Exchange proposes to relocate the rule text of each Minor Rule violation rule from the PSX Rulebook into General 5 and remove the duplicative list of Minor Rule Violations from the PSX Rulebook. With respect to violations of General 7, the Exchange proposes to add General 7, Failure to Comply with the Consolidated Audit Trail Compliance Rule requirements, into the list of Equity Floor Procedure Advices within General 5, Section 3, Code of Procedure. General 7 was recently added to The Equity Minor Rule Violations.[7] The Exchange also proposes to remove the reference in General 5 to A–5 Training as there is no corresponding Minor Rule Plan for A–5.

The Exchange proposes to remove ''Floor'' from the title ''Equity Floor Procedure Advices'' as PSX is an electronic only market.

The Exchange proposes to delete the title ''A. Miscellaneous,'' ''E. Staffing,'' ''F. Miscellaneous,'' and ''S. Pre-Opening Procedures,'' ''Rule 60 Regulations'' including Regulation 1–Regulations 7 from the PSX Rulebook.

General 9

The Exchange proposes to relocate the below rules into General 9.

Shell rule	Current rule	Deleted options rule
General 9, Section 1(c)	3503. Conduct Inconsistent with Just and Equitable Principles of Trade.	Options 9, Section 1.
General 9, Section 1(d)	3504. Acts Detrimental to the Interest or Welfare of the Exchange	Options 9, Section 5.
General 9, Section 5	3507. Telemarketing	Options 10, Section 23.
General 9, Section 37	3506. Anti-Money Laundering Compliance Program	Options 9, Section 21.

Today, the Rulebook contains both an equity and option rule, which are identical, for Conduct Inconsistent with Just and Equitable Principles of Trade, Acts Detrimental to the Interest or Welfare of the Exchange, Telemarketing, and Anti-Money Laundering Compliance Program. The Exchange is relocating a version of each of these rules to General 9 and eliminating the corresponding options and equity rules. The General 9 rules apply to both the equity and options markets.

The Exchange also proposes a number of corrective changes to Disruptive Quoting and Trading Activity Prohibited which was relocated to General 9, Section 53 in the Prior Relocation Rule Change. First, in Section 53(a), the Exchange proposes to update the references to ''subsections (i) and (ii)'' to ''subsections (1) and (2).'' Second, the Exchange proposes in Section 53(a)(1)(B)(ii) to update the reference to ''paragraph (b)(i)'' to ''paragraph (B)(i).'' The Exchange proposes to reserve Section 71 to harmonize Phlx's rule numbers with Nasdaq.

Equity 1

The Exchange proposes to relocate Rule 3301, Equity Definitions, into new Equity 1, Section 1. The Exchange is amending the first sentence of new Equity 1, Section 1 to provide, ''The following definitions apply to the Equity Rules for the trading of securities on PSX.'' While Rule 3301 currently provides that the definitions apply to the Rule 3200 and 3300 Series, the Exchange notes that the definitions apply to all rules under the heading Equity Rules and therefore proposes to amend the current text further to apply the relocated definitions to the entire section related to the equity market.

The definition for ''PSX Participant'' currently is defined to mean, ''. . . an entity that fulfills the obligations contained in Rule 3211 regarding participation in the System, and shall include: . . .''. PSX Rule 3211 was previously deleted.[8] Phlx Rule 1094 became applicable to the market participants trading on PSX with the Rule 3211 Removal Rule Change. Phlx Rule 1094 was relocated to General 2, Section 22 in the Prior Phlx Relocation Rule Change.

[4] PSX Rule 3503 is being relocated to General 9, Section 1(c) as proposed herein.

[5] *See* Securities Exchange Act Release No. 90577 (December 7, 2020), 85 FR 80202 (December 11, 2020) (SR–NASDAQ–2020–079) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Its Equity and General Rules From Its Current Rulebook Into Its New Rulebook Shell).

[6] *Id.*

[7] *See* Securities Exchange Act Release No. 89667 (August 25, 2020), 85 FR 53876 (August 31, 2020) (SR–Phlx–2020–40) (Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Add the Consolidated Audit Trail Industry Member Compliance Rules to the List of Minor Rule Violations).

[8] *See* Securities Exchange Act Release No. 76452 (November 17, 2015), 80 FR 73019 (November 23, 2015) (SR–Phlx–2015–93) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Sponsored Access) (''Rule 3211 Removal Rule Change'').

Equity 2

The Exchange proposes to relocate the following rules into Equity 2 which is titled Equity Market Participants. The Exchange proposes to instead title this section ''Market Participants'' to conform to Nasdaq's Rulebook Structure.[9]

Shell rule	Current rule
Section 1	3201. Scope.
Section 2	3203. Definitions.
Section 3	Reserved.
Section 4	3212. Registration as a Market Maker.
Section 5	3213. Market Maker Obligations.
Section 6	3214. Stabilizing Bids.
Section 7	3216. Reports.
Section 8	3217. Normal Business Hours.
Section 9	3218. Clearance and Settlement.
Section 10	3219. Withdrawal of Quotations.
Section 11	3220. Voluntary Termination of Registration.
Section 12	3221. Suspension and Termination of Quotations and Order Entry.
Section 13	3222. Termination of PSX Service.
Section 14	3223. Alternative Trading Systems.
Section 15	3224. Penalty Bids and Syndicate Covering Transactions.
Section 16	3225. Obligation to Provide Information.
Section 17	3226. Limitation of Liability.
Section 18	3227. Obligation to Honor System Trades.
Section 19	3228. Compliance with Rules and Registration Requirements.
Section 20	3231. Customer Disclosures.

The Exchange is amending the first sentence of new Equity 2, Section 1 to provide, ''Unless otherwise specified, the Equity Rules apply only to the quoting and trading of System Securities via PSX.'' Current Rule 3201 references the 3200 Series (Requirements for PSX Participants). However all equity rules apply to equities trading on PSX. Broadening the language of Equity 2, Section 1 is consistent with the manner in which equities rules are applied today with respect to trading and other aspects of conducting business on PSX.

The Exchange also proposes to amend Equity 2, Section 2(a) to provide, ''For purposes of the Equity Rules, unless the context requires otherwise:''. The original reference was to the 3000 Series, although the definitions which follow relate to federal rules which would apply to all Equity Rules. The Exchange proposes to amend the current text to apply the relocated definitions to the entire section related to the equity market to distinguish these rules from the General Rules and Options Rules.

The Exchange also proposes to update a rule citation within proposed Equity 2, Section 10, Withdrawal of Quotations, at paragraph (d). This paragraph (d) which discusses withdrawal status, relates to quotations, and provides,

> Excused withdrawal status may be granted to a PSX Market Maker that fails to maintain a clearing arrangement with a registered clearing agency or with a member of such an agency and is withdrawn from participation in the trade reporting service of PSX, thereby terminating its registration as a PSX Market Maker; provided, however, that if the Exchange finds that the PSX Market Maker's failure to maintain a clearing arrangement is voluntary, the withdrawal of quotations will be considered voluntary and unexcused pursuant to Rule 3220 and the Rule 3300 Series governing PSX. PSX Market Makers that fail to maintain a clearing relationship will have their PSX system status set to ''suspend'' and be thereby prevented from entering, or executing against, any quotes/orders in the system.

The Exchange proposes to replace Rule 3220 (Voluntary Termination of Registration) with its relocated rule reference, Equity 2, Section 11. The Exchange proposes to replace the Rule 3300 Series rules reference with Equity 4. The Rule 3300 Series was relocated to Equity 4 with the exception of the Equity 6, Section 3, Phlx Kill Switch. The Phlx Kill Switch's relocation to Equity 6 does not impact its reference within this rule which described a PSX Market Maker's voluntary failure to maintain a clearing arrangement and its impact on the withdrawal of quotations.

Equity 3

The Exchange proposes to reserve Equity 3, currently titled ''Equity Trading Rules.''

Equity 4

The Exchange proposes to re-title Equity 4, currently titled ''Limit Up-Limit Down,'' to ''Equity Trading Rules.'' The Exchange proposes to relocate the following rules into Equity 4 and retain the current rule numbering:

Current rule
3100. Limit Up-Limit Down Plan and Trading Halts on PSX.
3101. Trading Halts Due to Extraordinary Market Volatility.
3301A. Order Types.
3301B. Order Attributes.
3302. Opening Process.
3303. Short Sale Price Test Pursuant to Rule 201 of Regulation SHO.
3304. Data Feeds Utilized.
3306. Entry and Display of Quotes and Orders.
3307. Processing of Orders.
3309. Trade Reporting.
3310. Anonymity.
3311. Issuer Corporate Actions Related to a Dividend, Payment or Distribution.
3312. Clearly Erroneous Transactions.
3315. Order Routing.
3317. Compliance with Regulation NMS Plan to Implement a Tick Size Pilot.
3102. Limitation of Exchange Liability and Reimbursement of Certain Expenses.

The Exchange proposes to delete Rule 3202, Application of Other Rules of the Exchange, as The Limited Liability Company Agreement of the Exchange and The By-Laws of the Exchange are part of the Phlx Rulebook and therefore apply to PSX already. As such, the Exchange believes that the rule is duplicative and not necessary.

The Exchange proposes to delete the reference to ''Sec. 44 FINRA Jurisdiction Over Arbitrations Against Exchange Members'' within PSX Rule 3202, Application of Other Rules of the Exchange, as that rule is not located in the Phlx Rulebook. Rule 950 describes Arbitration rules related to members on Phlx and PSX.

The Exchange proposes to update an erroneous citation to PSX Rule 0120(x), currently within PSX Rule 3303, to Equity 1, Section 1(a).

The Exchange also proposes to delete PSX Rules 3210 and 3211 because these rules do not contain substantive text.

The Exchange proposes to remove an outdated reference to Rule 4770 within Supplementary Material .01 to PSX Rule 3317 and instead utilize the term ''Rule'' to refer to Rule 3317. There is no Rule 4770 within the current Phlx Rulebook.

Equity 5

The Exchange proposes to relocate the below rules into Equity 5, ''Order Audit Trail Services'':

Shell rule	Current rule
Section 1	7410A. Definitions.
Section 2	7420A. Applicability.
Section 3	7430A. Synchronization of Member Organization Business Clocks.
Section 4	7440A. Recording of Order Information.
Section 5	7450A. Order Data Transmission Requirements.
Section 6	7460A. Violation of Order Audit Trail System Rules.

The Exchange proposes to amend a rule citation within Equity 5, Section 6, Violation of Order Audit Trail System Rules. The definition of System is being

[9] *See* note 5 above.

relocated to from current Rule 3301 as proposed herein. The current Phlx Rulebook does not contain PSX Rule 0120.

Equity 6

The Exchange proposes to title Equity 6, which is currently reserved, as ''PSX Risk Management Services; Other Systems and Programs,'' and to relocate the following rules into Equity 6:

Shell rule	Current rule
Section 1	Reserved.
Section 2	Reserved.
Section 3	3316. PHLX Kill Switch.
Section 4	3215. Exchange Sharing of PSX Participant Risk Settings (excluding Commentary).
Section 5	Commentary to 3215. Exchange Sharing of PSX Participant Risk Settings.
Section 6	Reserved.

Equity 8

The Exchange proposes to reserve Equity 8 which is currently titled ''Uniform Practice Code.''

Equity 8A

The Exchange proposes to title Equity 8A as ''Unlisted Trading Privileges, Proxy and Other Rules.'' The Exchange proposes to relocate the following rules into Equity 8A:

Shell rule	Current rule
Section 1	Reserved.
Section 2	Reserved.
Section 3	Reserved.
Section 4	Reserved.
Section 5	3204. Securities Traded under Unlisted Trading Privileges.
Section 6	3232. Advertising Practices.
Section 7	3233. Prevention of the Misuse of Material, Nonpublic Information.
Section 8	3234. Additional Requirements for Securities Issued by Nasdaq or its Affiliates.
Section 9	3236. Restriction.
Section 10	3237. Voting Instructions.
Section 11	3238. Proxies at Direction of Owner.
Section 12	3239. Proxy to Show Number of Shares.
Section 13	3240. Transfer to Facilitate Solicitation.
Section 14	3241. Rule Applicable to Individual Members and Nominees.
Section 15	3242. Transmission of Interim Reports and Other Material.

Equity 9

The Exchange proposes to re-title Equity 9, currently ''Supplementary Conduct Rules,'' to ''Business Conduct,'' and to relocate the following rules into Equity 9:

Shell rule	Current rule
Section 1	Reserved.
Section 2	Reserved.
Section 3	Reserved.
Section 4	Reserved.
Section 5	Reserved.
Section 6	Reserved.
Section 7	Reserved.
Section 8	Reserved.
Section 9	Reserved.
Section 10	Reserved.
Section 11	Reserved.
Section 12	Reserved.
Section 13	Reserved.
Section 14	Reserved.
Section 15	3410. Limitations on Members' Trading Because of Customers' Orders.
Section 16	3411. Successive Transactions by Members.
Section 17	3412. Short Sales.
Section 18	3413. Proper and Adequate Margin.
Section 19	3414. Prohibition on Free-Riding in Cash Accounts.
Section 20	3500. Financial Responsibility and Reporting.
Section 21	3502. Automated Submission of Trading Data.
Section 22	3505. Restrictions on Pledge of Customers' Securities.
Section 23	3501. Independent Audit.

Equity 10

The Exchange proposes to title Equity 10, which is currently reserved, to ''Other Products and Securities,'' and to relocate the following rules into Equity 10:

Shell rule	Current rule
Section 1	Reserved.
Section 2	Reserved.
Section 3	Reserved.
Section 4	Reserved.
Section 5	Reserved.
Section 6	Reserved.
Section 7	Reserved.
Section 8	3230. Trading in Commodity-Related Securities.

Equity 11

The Exchange proposes to adopt a new Equity 11 and title this section ''Uniform Practice Code.'' The following rules will be relocated into Equity 11:

Shell rule	Current rule
Section 1	3400. Dealings on the Exchange—Securities.
Section 2	3401. Bids and Offers—''When Issue''.
Section 3	3402. Price of Execution Binding.
Section 4	3403. Payment on Delivery—Collect on Delivery.
Section 5	3404. Book-Entry Settlement.
Section 6	3405. Ex-dividend, Ex-rights.
Section 7	3406. Ex-warrants.
Section 8	3407. Buyer Entitled to Dividend, etc.
Section 9	3408. Claims for Dividend, etc.
Section 10	3409. Taking or Supplying Securities Named in Order.

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by bringing greater transparency to its rules by relocating the equity and general rules into the new Rulebook shell together with other rules which have already been relocated.[12] The Exchange's proposal is consistent with the Act and will protect investors and the public interest by harmonizing its rules, where applicable, across Nasdaq markets so that members can readily locate rules which cover similar topics. The relocation and harmonization of the Exchange's Rules are part of the Exchange's continued effort to promote efficiency and conformity of its processes with those of its affiliated exchanges. The Exchange believes that the placement of the PSX Rules into their new location in the shell will facilitate the use of the Rulebook by members. Specifically, the Exchange believes that market participants that are members of more than one Nasdaq market will benefit from the ability to compare Rulebooks.

The Exchange is not substantively amending rule text. The renumbering, re-lettering, deleting reserved and already deleted rules, amending cross-references and other minor technical changes will bring greater transparency to the Exchange's Rules. The Exchange's affiliates intend to file similar rule changes to relocate their respective equity and general rules into the same location in each Rulebook for ease of reference. The Exchange believes its proposal will benefit investors and the general public by increasing the transparency of its Rulebook and

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See supra* note 3.

promoting easy comparisons among the various Nasdaq affiliated exchanges' Rulebooks.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed amendments do not impose an undue burden on competition because the amendments to relocate the equity and general rules are non-substantive. This rule change is intended to bring greater clarity to the Exchange's Rules and to promote easy comparisons among the various Nasdaq affiliated exchanges' Rulebooks. Renumbering, re-lettering, deleting reserved rules and amending cross-references will bring greater transparency to the Exchange's Rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b-4(f)(6) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. Waiver of the operative delay would allow the Exchange to immediately relocate its rules and continue to file other rules that are affected by this relocation in a timely manner. 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 waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2021–04 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–Phlx–2021–04. 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–Phlx–2021–04 and should be submitted on or before March 3, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02709 Filed 2–9–21; 8:45 am]

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[13] 15 U.S.C. 78s(b)(3)(A).

[14] 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91066; File No. SR–FINRA–2020–038]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change, as Modified by Amendment No. 1, to FINRA Rules 5122 (Private Placements of Securities Issued by Members) and 5123 (Private Placements of Securities) That Would Require Members To File Retail Communications Concerning Private Placement Offerings That Are Subject to Those Rules' Filing Requirements

February 4, 2021.

I. Introduction

On October 28, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FINRA–2020–038 (''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Exchange Act'') [1] and Rule 19b–4 [2] thereunder to amend FINRA Rules 5122 (Private Placements of Securities Issued by Members) and 5123 (Private Placements of Securities) to require members to file retail communications concerning private placement offerings that are subject to those rules' filing requirements.[3] The Proposed Rule Change was published for public comment in the **Federal Register** on November 6, 2020.[4] On December 11, 2020, FINRA consented to an extension of the time period in which the Commission must approve the Proposed Rule Change, disapprove the Proposed Rule Change, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change to February 4, 2021.[5] On January 12, 2021, FINRA filed an amendment to modify the Proposed Rule Change (''Amendment No. 1'').[6] The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act [7] to solicit comments on Amendment No. 1 from interested persons and to institute proceedings to determine whether to approve or disapprove the Proposed Rule Change, as modified by Amendment No.1 (''Amended Proposed Rule Change'').

II. Description of the Amended Proposed Rule Change

For certain private placements of unregistered securities issued by a FINRA member or a control entity [8] (''member private offerings''), FINRA Rule 5122 requires the member or control entity to provide prospective investors [9] with a private placement memorandum (''PPM''), term sheet or other offering document that discloses the intended use of the offering proceeds, the offering expenses and the amount of selling compensation that will be paid to the member and its associated persons. Among other things, the current rule also requires a member to file the PPM, term sheet or other offering document with the FINRA Corporate Financing Department at or prior to the first time the document is provided to any prospective investor, as well as any amendments to such documents within 10 days of being provided to any investor or prospective investor.[10] Similarly, for certain private placements [11] of unregistered securities issued by a non-member, FINRA Rule 5123 requires members or control persons to file with FINRA any PPM, term sheet or other offering document,[12] including any material amended versions thereof, used in connection with an offering within 15 calendar days of the date of first sale.

FINRA proposes amendments to Rules 5122 and 5123 to require members or control persons to file private placement retail communications [13] with FINRA, in addition to the currently required PPMs, term sheets, and other offering documents. Specifically, the Amended Proposed Rule Change would require members or control persons to file with the FINRA Corporate Financing Department at, or prior to, the first time the document is provided to any prospective investor, any retail communication that ''promotes or recommends'' a private placement, rather than any retail communication that ''concerns'' a private placement, as originally proposed.[14]

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2020–038 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the Amended Proposed Rule Change should be approved or disapproved.[15] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the Amended Proposed Rule Change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the Amended Proposed Rule Change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[16] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis and input concerning whether the Amended Proposed Rule Change is consistent with the Exchange Act and the rules thereunder.

IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the Amended Proposed Rule Change. Specifically, the Commission is requesting comment on whether the Amended Proposed Rule Change adequately addresses commenters' concerns regarding the scope of the proposed filing requirement in light of the regulatory goals of improving the quality of broker-dealer private placement communications and strengthening FINRA's ability to monitor for potential violations of its rules governing members' communications with the public. In particular, the Commission invites the written views of interested persons concerning whether the Amended Proposed Rule Change is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See infra* note 4.

[4] *See* Exchange Act Release No. 90302 (Nov. 2, 2020), 85 FR 71120 (Nov. 6, 2020) (File No. SR–FINRA–2020–038) (''Notice'').

[5] *See* letter from Joseph Savage, Vice President, Office of General Counsel Regulatory Policy, FINRA, to Daniel Fisher, Branch Chief, Division of Trading and Markets, Commission, dated December 11, 2020.

[6] Amendment No. 1 is available at *https://www.finra.org/sites/default/files/2021-01/SR-FINRA-2020-038-Amendment1.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] A ''control entity'' means any entity that controls or is under common control with a member, or that is controlled by a member or its associated persons. *See* FINRA Rule 5122(a)(2)–(3); *see also* Notice at note 3.

[9] Because of the types of private placements exempt from the application of Rule 5122, FINRA believes that the rule applies predominately to private placements sold to retail investors. *See* Notice at 71121.

[10] *See* Notice at 71120.

[11] *See supra* note 9.

[12] Rules 5122 and 5123 do not enumerate the types of information that might be considered ''other offering documents.'' However, FINRA has stated previously that an example of ''other offering document'' is ''[a]ny other type of document that sets forth the terms of the offering.'' *See* ''Frequently Asked Questions (FAQ) About Private Placements,'' Question #10, available on *www.finra.org.* The terms of an offering include facts such as the amount of proceeds that the issuer intends to raise, the type of security, descriptions or illustrations of the intended use of proceeds, and explanations of tax benefits or other information that would be relevant to an investor when deciding whether to make an investment. *See* Notice at 71121.

[13] Rule 2210(a)(5) defines a ''retail communication'' as any written (including electronic) communication that is distributed or made available to more than 25 retail investors within any 30 calendar-day period. *See Regulatory Notice* 20–21 (July 2020) (stating that a member firm that assists in the preparation of a private placement memorandum or other offering document should expect that it will be considered a communication with the public by that member firm for purposes of Rule 2210 (Communications with the Public)); *see also* letter from Joseph P. Savage, Vice President and Counsel, Office of General Counsel, FINRA, to Vanessa Countryman, Secretary, Commission, dated January 12, 2021, available at *https://www.sec.gov/comments/sr-finra-2020-038/srfinra2020038-8233135-227749.pdf.*

[14] Specifically, Amendment No. 1 would limit the filing requirement of the Proposed Rule Change to those retail communications that ''promote or recommend'' a private placement, rather than any retail communication that ''concerns'' a private placement, as originally proposed.

[15] 15 U.S.C. 78s(b)(2)(B).

[16] *Id.*

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.[17]

Interested persons are invited to submit written data, views, and arguments regarding whether the Amended Proposed Rule Change should be approved or disapproved by February 24, 2021. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by March 8, 2021.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–FINRA–2020–038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–FINRA–2020–038. 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 Amended Proposed Rule Change that are filed with the Commission, and all written communications relating to the Amended Proposed Rule Change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File No. SR–FINRA–2020–038 and should be submitted on or before February 24, 2021. If comments are received, any rebuttal comments should be submitted on or before March 8, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02715 Filed 2–9–21; 8:45 am]

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[17] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities 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).

[18] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91062; File No. SR–NASDAQ–2021–005]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the ALPS Active REIT ETF of ALPS ETF Trust To List and Trade Shares of the Fund Under Nasdaq Rule 5750

February 4, 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 January 25, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes a rule change relating to the ALPS Active REIT ETF (the ''Fund'') of ALPS ETF Trust (the ''Trust''), to list and trade shares of the Fund under Nasdaq Rule 5750 (''Proxy Portfolio Shares''). The shares of the Fund are collectively referred to herein as the ''Shares.''

(b) Not applicable. [sic]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved the listing and trading of Proxy Portfolio Shares under Nasdaq Rule 5750, which governs the listing and trading of Proxy Portfolio Shares on the Exchange.[3]

The Fund is an actively-managed exchange-traded fund (''ETF''). The Shares are offered by the Trust, which was established as a Delaware statutory trust on September 13, 2007.[4] The Trust, which is registered with the Commission as an investment company under the Investment Company Act of 1940 (the ''1940 Act''), has filed a registration statement on Form N–1A (''Registration Statement'') relating to the Fund with the Commission.[5] The Fund is a series of the Trust. ALPS Advisors, Inc. (''Adviser'') is the investment adviser to the Fund. ALPS Portfolio Solutions Distributor, Inc. is the principal underwriter and distributor of the Fund's Shares. ALPS Fund Services, Inc. acts as the administrator and provides fund

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5750 in Securities Exchange Act Release No. 89110 (June 22, 2020), 85 FR 38461 (June 26, 2020) (SR–NASDAQ–2020–032).

[4] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 34181 (Jan. 21, 2021) (''Exemptive Order'').

[5] The Registration Statement is available on the Commission's website at *https://www.sec.gov/Archives/edgar/data/1414040/000139834420019856/fp0058104_485apos.htm.*

accounting services to the Fund. State Street Bank and Trust Company acts as the custodian and transfer agent to the Fund.

Nasdaq Rule 5750(b)(5) provides that if the investment adviser to the investment company issuing Proxy Portfolio Shares [6] is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition and/or changes to the Fund Portfolio [7] and/or the Proxy Basket.[8] In addition, Nasdaq Rule 5750(b)(5) further requires that any person related to the investment adviser or Investment Company who makes decisions pertaining to the Investment Company's Fund Portfolio and/or the Proxy Basket or has access to nonpublic information regarding the Fund Portfolio and/or Proxy Basket or changes thereto must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund Portfolio or the Proxy Basket or changes thereto.[9]

In addition, any person or entity, including a custodian, Reporting Authority,[10] distributor, or administrator, who has access to nonpublic information regarding the Fund Portfolio or the Proxy Basket or changes thereto, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund Portfolio or the Proxy Basket or changes thereto. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund Portfolio or Proxy Basket.

In the event (a) the Adviser or any sub-adviser registers as a broker-dealer, or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with another broker-dealer, it will implement and will maintain a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the Fund's Portfolio and/or the Proxy Basket and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's Portfolio and/or the Proxy Basket.

The Fund intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

The Fund's Principal Investment Strategies

The investment objective of the Fund will be to seek total return through dividends and capital appreciation. Under normal market conditions,[11] the Fund will seek to achieve its investment objective by investing at least 80% of its net assets in exchange-traded equity securities of real estate investment trusts.

Under the terms of the Exemptive Order,[12] the Fund's investments are limited to the following: ETFs, exchange-traded notes, exchange listed common stocks (excluding ''penny stocks'' as defined in Rule 3a51–1 under the Act), exchange-traded preferred stocks, exchange-traded American Depositary Receipts (ADRs), exchange-traded real estate investment trusts, exchange-traded commodity pools, exchange-traded metals trusts, and exchange-traded currency trusts, in each case that are traded on a U.S. securities exchange contemporaneously with the Fund Shares; exchange-traded futures that trade contemporaneously with the Fund Shares that are U.S. listed futures contracts where the future contract's reference asset is an asset that the Fund could invest in directly, or in the case of an index future, is based on an index of a type of asset that the Fund could invest in directly; common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Fund Shares; and cash and cash equivalents (which are short-term U.S. Treasury securities, government money market funds, and repurchase agreements). The Fund's holdings will conform to the permissible investments

[6] The term ''Proxy Portfolio Share'' means a security that: (A) Represents an interest in an investment company registered under the Investment Company Act of 1940 (''Investment Company'') organized as an open-end management investment company, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies; (B) is issued in a specified aggregate minimum number in return for a deposit of a specified Proxy Basket and/or a cash amount with a value equal to the next determined net asset value; (C) when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid specified Proxy Basket and/or a cash amount with a value equal to the next determined net asset value; and (D) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter.

[7] The term ''Fund Portfolio'' means the identities and quantities of the securities and other assets held by the Investment Company that will form the basis for the Investment Company's calculation of net asset value at the end of the business day.

[8] The term ''Proxy Basket'' means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the 1940 Act applicable to a series of Proxy Portfolio Shares. The website for each series of Proxy Portfolio Shares shall disclose the following information regarding the Proxy Basket as required under Rule 5750, to the extent applicable:

(A) Ticker symbol;

(B) CUSIP or other identifier;

(C) Description of holding;

(D) Quantity of each security or other asset held; and

(E) Percentage weight of the holding in the portfolio.

[9] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[10] The term ''Reporting Authority'' in respect of a particular series of Proxy Portfolio Shares means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Proxy Portfolio Shares (if the Exchange is trading such series pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such series, including, but not limited to, the Proxy Basket; the Fund Portfolio; the amount of any cash distribution to holders of Proxy Portfolio Shares, net asset value, or other information relating to the issuance, redemption or trading of Proxy Portfolio Shares. A series of Proxy Portfolio Shares may have more than one Reporting Authority, each having different functions.

[11] The term ''normal market conditions'' as used herein, is defined in Nasdaq Rule 5750(c)(4). On a temporary basis, including for defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies; for example, it may hold a higher than normal proportion of its assets in cash. During such periods, the Fund may not be able to achieve its investment objective. The Fund may adopt a defensive strategy when the Adviser or any sub-adviser believes securities in which such Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

[12] *See supra* note 4.

as set forth in the Exemptive Order and the holdings will be consistent with all requirements in the Exemptive Order. Any foreign common stocks held by the Fund will be traded on an exchange that is a member of the Intermarket Surveillance Group (''ISG'') or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Proxy Portfolio Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Proxy Portfolio Shares on the Exchange will be subject to the Exchange's surveillance procedures for derivative products. The Exchange will require the issuer of each series of Proxy Portfolio Shares listed on the Exchange to represent to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Adviser will upon request make available to the Exchange and/or Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, the daily Fund Portfolio of each series of Proxy Portfolio Shares. The Exchange believes that this is appropriate because it will provide the Exchange or FINRA, on behalf of the Exchange, with access to the daily Fund Portfolio of any series of Proxy Portfolio Shares upon request on an as needed basis. The Exchange believes that the ability to access the information on an as needed basis will provide it with sufficient information to perform the necessary regulatory functions associated with listing and trading series of Proxy Portfolio Shares on the Exchange, including the ability to monitor compliance with the initial and continued listing requirements as well as the ability to surveil for manipulation of the Shares.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12).

Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Proxy Portfolio Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments composing the Proxy Basket or Fund Portfolio; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Proxy Portfolio Shares also will be subject to Rule 5750(d)(2)(D), which sets forth circumstances under which a series of Proxy Portfolio Shares may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., Eastern Time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5750(b)(3), the minimum price variation for quoting and entry of orders in Proxy Portfolio Shares traded on the Exchange is $0.01.

Availability of Information

Form N–PORT requires reporting of a fund's complete portfolio holdings on a position-by-position basis on a quarterly basis within 60 days after fiscal quarter end. Investors can obtain a fund's Statement of Additional Information, its Shareholder Reports, its Form N–CSR, filed twice a year, and its Form N–CEN, filed annually. A fund's SAI and Shareholder Reports are available for free upon request from the Investment Company, and those documents and the Form N–PORT, Form N–CSR, and Form N–CEN may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.* The Exchange also notes that the Exemptive Order provides that an issuer will comply with Regulation Fair Disclosure, which prohibits selective disclosure of any material non-public information, which otherwise does not apply to issuers of Proxy Portfolio Shares. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Proxy Basket for the Proposed Fund

For the Fund, the Proxy Basket will consist of all of the Fund's portfolio holdings but will be weighted differently, subject to a minimum weightings overlap of 90% with the Fund's Portfolio at the beginning of each business day. Intraday pricing information for all constituents of the Proxy Basket that are exchange-traded, which includes all eligible instruments except cash and cash equivalents, will be available on the exchanges on which they are traded and through subscription services. Intraday pricing information for cash equivalents will be available through subscription services and/or pricing services. The Exchange notes that the Fund's net asset value (''NAV'') will form the basis for creations and redemptions for the Fund and creations and redemptions will work in a manner substantively identical to that of series of Managed Fund Shares.[13] The Adviser expects that the Shares of the Fund will generally be created and redeemed in-kind, with limited exceptions. The names and quantities of the instruments that constitute the basket of securities for creations and redemptions will be the same as the Fund's Proxy Basket, except to the extent purchases and redemptions are made entirely or in part on a cash basis. In the event that the value of the Proxy Basket is not the same as the Fund's NAV, the creation and redemption baskets will consist of the securities included in the Proxy Basket plus or minus an amount of cash equal to the difference between the NAV and the value of the Proxy Basket, as further described below.

The Proxy Basket will be constructed utilizing a proprietary algorithmic process that will be applied to the Fund Portfolio on a daily basis. The Proxy Basket will be publicly available on the Fund website before the commencement of trading in Fund Shares on each business day. The Proxy Basket will contain all of the names of the securities in the Fund Portfolio, and only the securities that are in the Fund Portfolio (and also could contain cash to represent the Fund Portfolio's holdings of cash). The Proxy Basket will have a minimum overlap of 90% with the Fund Portfolio at the beginning of each business day, with the precise

[13] *See* Nasdaq Rule 5735.

percentage of aggregate overlap in weightings from 90% to 100% to be randomly generated each day.

In addition to the disclosure of the Proxy Basket, the Fund will also publish the ''Guardrail Amount'' on its website on each business day before the commencement of trading in Shares on the Exchange. The Guardrail Amount is the maximum deviation between the weightings of the specific securities and cash positions in the Proxy Basket from the weightings of those specific securities and cash positions in the Fund Portfolio. The Guardrail Amount is intended to ensure that no individual security in the Proxy Basket will be overweighted or underweighted by more than the publicly disclosed percentage when compared to the actual weighting of each security within the Fund Portfolio as of the beginning of each business day. The Adviser expects the performance of the Proxy Basket and the Fund Portfolio to be closely aligned in light of the construction of the Proxy Basket, and does not expect the ''Tracking Error'' to exceed 1%. ''Tracking Error'' is defined to mean the standard deviation over the past three months of the daily difference, in percentage terms, between the Proxy Basket per Share NAV and that of the Fund at the end of the business day.

The Fund will also disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio, at a minimum within at least 60 days following the end of every fiscal quarter. As described above, the Exchange notes that the concept of the Proxy Basket employed under this structure is designed to provide investors with the traditional benefits of ETFs while protecting the Fund from the potential for front running or free riding of portfolio transactions, which could adversely impact the performance of the Fund.

Additional Information

The Exchange represents that the Shares of the Fund will continue to comply with all other proposed requirements applicable to Proxy Portfolio Shares, including the dissemination of key information such as the Proxy Basket, the Fund Portfolio, and NAV, suspension of trading or removal, trading halts, surveillance, minimum price variation for quoting and order entry, an information circular informing members of the special characteristics and risks associated with trading in the series of Proxy Portfolio Shares, and firewalls as set forth in the proposed Exchange rules applicable to Proxy Portfolio Shares.

Price information for the exchange-listed instruments held by the Fund, including both U.S. and non-U.S. listed equity securities and U.S. exchange-listed futures will be available through major market data vendors or securities exchanges listing and trading such securities. Moreover, U.S.-listed equity securities held by the Fund will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[14] Any foreign common stocks held by the Fund will be traded on an exchange that is a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. All futures contracts that the Fund may invest in will be traded on a U.S. futures exchange. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, underlying U.S. exchange-listed equity securities, and U.S. exchange-listed futures with other markets and other entities that are members of ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, underlying equity securities, and U.S. exchange-listed futures from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference assets (as applicable) such as the Fund Portfolio and Proxy Basket, or the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Shares. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per share of the Fund will be calculated daily and will be made available to all market participants at the same time.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act, 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, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the particular instruments that may be included in the Fund Portfolio and Proxy Basket do not raise any concerns related to the Proxy Basket being able to closely track the NAV of the Fund because such instruments include only instruments that trade on an exchange contemporaneously with the Shares. In addition, the Fund's Proxy Basket is designed to reliably and consistently correlate to the performance of the Fund.

The Adviser anticipates that the returns between the Fund and its respective Proxy Basket will have a consistent relationship and that the deviation in the returns between the Fund and its Proxy Basket will be sufficiently small such that the Proxy Basket will provide authorized participants, arbitrageurs and other market participants (collectively, ''Market Makers'') with a reliable hedging vehicle that they can use to effectuate low-risk arbitrage trades in Fund Shares. The Exchange believes that the disclosures provided by the Fund will allow Market Makers to understand the relationship between the performance of the Fund and its Proxy Basket. Market Makers will be able to estimate the value of and hedge positions in the Fund's Shares, which

[14] For a list of the current members of ISG, *see www.isgportal.com.* The Exchange notes that not all components of the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

the Exchange believes will facilitate the arbitrage process and help ensure that the Fund's Shares normally will trade at market prices close to their NAV. The Exchange also believes that competitive market making, where traders are looking to take advantage of differences in bid-ask spread, will aid in keeping spreads tight.

The Exchange notes that a significant amount of information about the Fund and its Fund Portfolio is publicly available at all times. Each series will disclose the Proxy Basket, which is designed to closely track the daily performance of the Fund Portfolio, on a daily basis. Intraday pricing information for all constituents of the Proxy Basket that are exchange-traded, which includes all eligible instruments except cash and cash equivalents, will be available on the exchanges on which they are traded and through subscription services. Intraday pricing information for cash equivalents will be available through subscription services and/or pricing services. Each series of Proxy Portfolio Shares will at a minimum publicly disclose the entirety of its portfolio holdings, including the name, identifier, market value and weight of each security and instrument in the portfolio within at least 60 days following the end of every fiscal quarter in a manner consistent with normal disclosure requirements otherwise applicable to open-end investment companies registered under the 1940 Act.

The website will include additional quantitative information updated on a daily basis, including, on a per Share basis for the Fund, the prior business day's NAV and the closing price or bid/ask price at the time of calculation of such NAV, and a calculation of the premium or discount of the closing price or bid/ask price against such NAV. The website will also disclose any other information regarding premiums and discounts and the bid/ask spread for the Fund as may be required for other ETFs under Rule 6c–11 under the 1940 Act, as amended. On each business day, before the commencement of trading of Shares, the Fund will publish on its website the Proxy Basket and the Guardrail Amount for that day.

The Exchange represents that the Shares of the Fund will continue to comply with all other proposed requirements applicable to Proxy Portfolio Shares, including the dissemination of key information such as the Proxy Basket, disclosure of the Fund Portfolio quarterly, and NAV, suspension of trading or removal, trading halts, surveillance, minimum price variation for quoting and order entry, an information circular informing members of the special characteristics and risks associated with trading in the series of Proxy Portfolio Shares, and firewalls as set forth in the proposed Exchange rules applicable to Proxy Portfolio Shares and the orders approving such rules. Moreover, U.S.-listed equity securities held by the Fund will trade on markets that are a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[15]

All statements and representations made in this filing regarding the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of reference asset (as applicable), or the applicability of Exchange listing rules specified in this filing shall constitute continued listing requirements for the Shares. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund or Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per share of the Fund will be calculated daily and will be made available to all market participants at the same time.

FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement. If a Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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. Rather, the Exchange notes that the proposed rule change will facilitate the listing of a new type of actively-managed exchange-traded product, thus enhancing competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[18] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[19] 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. The proposed rule change is substantially similar to previous proposals on which the Commission has granted waiver of the operative delay,[20] does not raise any novel regulatory issues, and the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[15] *Id.*

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] *See* Securities Exchange Act Releases No. 90684 (Dec. 16, 2020), 85 FR 83637 (Dec. 22, 2020) (File No. SR–CboeBZX–2020–091) and 90686 (Dec. 16, 2020), 85 FR 83657 (Dec. 22, 2020) (File No. SR–CboeBZX–2020–090).

[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).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–005, and should be submitted on or before March 3, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02711 Filed 2–9–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91071; File No. SBSDR–2020–01]

Security-Based Swap Data Repositories; DTCC Data Repository (U.S.), LLC; Notice of Filing of Application for Registration as a Security-Based Swap Data Repository

February 5, 2021.

I. Introduction

On December 22, 2020, DTCC Data Repository (U.S.), LLC (''DDR'') filed with the Securities and Exchange Commission (''Commission'') an application on Form SDR to register as a security-based swap data repository (''SDR'') pursuant to Section 13(n)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') and 17 CFR 240.13n–1 (''Rule 13n–1'') thereunder,[1] and as a securities information processor (''SIP'') under Section 11A(b) of the Exchange Act.[2] DDR intends to operate as a registered SDR for security-based swap (''SBS'') transactions in the equity, credit, and interest rate derivatives asset classes.[3] The Commission is publishing this notice to solicit comments from interested persons regarding DDR's application,[4] and the Commission will consider any comments it receives in making its determination whether to approve DDR's application for registration as an SDR and as a SIP.

II. Background

A. SDR Registration, Duties, and Core Principles

Section 13(n) of the Exchange Act makes it unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of an SDR.[5] To be registered and maintain registration, an SDR must comply with certain requirements and core principles described in Section 13(n), as well as any requirements that the Commission may impose by rule or regulation.[6] In 2015, the Commission adopted 17 CFR 240.13n–1 to 13n–12 under the Exchange Act to establish Form SDR, the procedures for registration as an SDR, and the duties and core principles applicable to an SDR (''SDR Rules'').[7] The Commission provided a temporary exemption from compliance with the SDR Rules and also extended exemptions from the provisions of the Dodd-Frank Act set forth in a Commission order providing temporary exemptions and other temporary relief from compliance with certain provisions of the Exchange Act concerning security-based swaps, and these temporary exemptions expired in 2017.[8]

The Commission also has adopted 17 CFR 242.900 to 909 under the Exchange Act (collectively, ''Regulation SBSR''), which governs regulatory reporting and public dissemination of security-based swap transactions.[9] Among other things, Regulation SBSR requires each registered SDR to register with the Commission as a SIP,[10] and the Form SDR constitutes an application for

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78m(n)(1); 17 CFR 240.13n–1. A copy of DDR's application on Form SDR and non-confidential exhibits thereto are available for public viewing on the Commission's website. In 2016, DDR submitted a prior application for registration as an SDR. *See* Release No. 34–78216 (June 30, 2016), 81 FR 44379 (July 7, 2016); Release No. 34–81302 (Aug. 3, 2017), 82 FR 37276 (Aug. 9, 2017). DDR withdrew this prior application in 2018. *See* Letter from Chris Childs, Managing Director, DDR, Mar. 27, 2018, *https://www.sec.gov/divisions/marketreg/sdr/dtcc-sdr-application-withdrawal-letter-032718.pdf.*

[2] 15 U.S.C. 78k–1(b).

[3] DDR has included the interest rate asset class in its application based on feedback from potential users of its SDR services. The potential users have identified certain types of transactions that will be reported through DDR's infrastructure for interest rate derivatives as falling within the Exchange Act definition of an SBS transaction.

[4] The descriptions set forth in this notice regarding the structure and operations of DDR have been derived, excerpted, or summarized from DDR's application on Form SDR.

[5] 15 U.S.C. 78m(n).

[6] *Id.*

[7] *See* Release No. 34–74246 (Feb. 11, 2015), 80 FR 14438, 14438 (Mar. 19, 2015) (''SDR Adopting Release''). In 2016, the Commission subsequently amended 17 CFR 240. 13n–4 to address third-party regulatory access to SBS data obtained by an SDR. *See* Release No. 34–78716 (Aug. 29, 2016), 81 FR 60585 (Sep. 2, 2016).

[8] *See* Release No. 34–80359 (Mar. 31, 2017), 82 FR 16867 (Apr. 6, 2017).

[9] Release No. 34–74244 (Feb. 11, 2015), 80 FR 14563 (Mar. 19, 2015); Release No. 34–78321 (July 14, 2016), 81 FR 53546 (Aug. 12, 2016). Regulation SBSR and the SDR Rules are referred to collectively as the ''SBS Reporting Rules.''

[10] *See* 17 CFR 242.909.

registration as a SIP, as well as an SDR.[11]

In 2019, the Commission stated that implementation of the SBS Reporting Rules can and should be done in a manner that carries out the fundamental policy goals of the SBS Reporting Rules while minimizing burdens as much as practicable.[12] Noting ongoing concerns among market participants about incurring unnecessary burdens and the Commission's efforts to promote harmonization between the SBS Reporting Rules and swap reporting rules, the Commission took the position that, for four years following Regulation SBSR's Compliance Date 1 in each asset class,[13] certain actions with respect to the SBS Reporting Rules would not provide a basis for a Commission enforcement action.[14] The no-action statement's relevance to DDR's application for registration as an SDR and SIP is discussed further below.

B. Standard for Registration

As noted above, to be registered with the Commission as an SDR and maintain such registration, an SDR is required to comply with the requirements and core principles described in Section 13(n) of the Exchange Act, as well as with any requirement that the Commission may impose by rule or regulation.[15] In addition, Rule 13n–1(c)(3) under the Exchange Act provides that the Commission shall grant the registration of an SDR if it finds that the SDR is so organized, and has the capacity, to be able to: (i) Assure the prompt, accurate, and reliable performance of its functions as an SDR; (ii) comply with any applicable provisions of the securities laws and the rules and regulations thereunder; and (iii) carry out its functions in a manner consistent with the purposes of Section 13(n) of the Exchange Act and the rules and regulations thereunder.[16] The Commission shall deny the registration of an SDR if it does not make any such finding.[17] Similarly, to be registered with the Commission as a SIP, the Commission must find that such applicant is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a SIP, comply with the provisions of the Exchange Act and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of the Exchange Act, and, insofar as it is acting as an exclusive processor, operate fairly and efficiently.[18]

In determining whether an applicant meets the criteria set forth in Rule 13n–1(c), the Commission will consider the information reflected by the applicant on its Form SDR, as well as any additional information obtained from the applicant. For example, Form SDR requires an applicant to provide a list of the asset classes for which the applicant is collecting and maintaining data or for which it proposes to collect and maintain data, a description of the functions that it performs or proposes to perform, general information regarding its business organization, and contact information.[19] Obtaining this information and other information reflected on Form SDR and the exhibits thereto—including the applicant's overall business structure, financial condition, track record in providing access to its services and data, technological reliability, and policies and procedures to comply with its statutory and regulatory obligations—will enable the Commission to determine whether to grant or deny an application for registration.[20] Furthermore, the information requested in Form SDR will enable the Commission to assess whether the applicant is so organized and has the capacity to comply and carry out its functions in a manner consistent with the federal securities laws and the rules and regulations thereunder, including the SBS Reporting Rules.[21]

Consistent with the Commission's no-action statement in the ANE Adopting Release,[22] an entity wishing to register with the Commission as an SDR must still submit an application on Form SDR but can address the rule provisions included in the no-action statement by discussing how the SDR complies with comparable Commodity Futures Trading Commission (''CFTC'') requirements.[23] Accordingly, in such instances the Commission will not assess an SDR application for consistency or compliance with the rule provisions included in the Commission's no-action statement. Specifically, the Commission identified the following provisions as not providing a basis for an enforcement action against a registered SDR for the duration of the relief provided in the Commission statement: Under Regulation SBSR, aspects of 17 CFR 242.901(a), 901(c)(2) through (7), 901(d), 901(e), 902, 903(b), 906(a) and (b), and 907(a)(1), (a)(3), and (a)(4) through (6); under the SDR Rules, aspects of Section 13(n)(5)(B) of the Exchange Act and 17 CFR 240.13n–4(b)(3) thereunder, and aspects of 17 CFR 240.13n–5(b)(1)(iii); and under Section 11A(b) of the Exchange Act, any provision pertaining to SIPs.[24] Thus, an SDR applicant will not need to include materials in its application explaining how it would comply with the provisions noted above, and could instead rely on its discussion about how it complies with comparable CFTC requirements.[25] The applicant may instead represent in its application that it: (i) Is registered with the CFTC as a swap data repository; (ii) is in compliance with applicable requirements under the swap reporting rules; (iii) satisfies the standard for Commission registration of an SDR under Rule 13n–1(c); and (iv) intends to rely on the no-action statement included in the ANE Adopting Release for the period set forth in the ANE Adopting Release with respect to any SBS asset class or classes for which it intends to accept transaction reports.[26]

III. Summary of DDR's Application on Form SDR

As noted above, DDR intends to operate as a registered SDR for the equity, credit, and interest rate derivatives asset classes.[27] In its application, DDR represents that it is provisionally registered with the CFTC as a swap data repository, is in compliance with applicable requirements under the CFTC reporting rules applicable to a registered swap data repository, and intends to rely on

[11] *See* Form SDR, Instruction 2.

[12] Release No. 34–87780 (Dec. 18, 2019), 85 FR 6270, 6347 (Feb. 4, 2020) (''ANE Adopting Release'').

[13] *See id.* Under Regulation SBSR, the first compliance date (''Compliance Date 1'') for affected persons with respect to an SBS asset class is the first Monday that is the later of: (i) Six months after the date on which the first SDR that can accept transaction reports in that asset class registers with the Commission; or (ii) one month after the compliance date for registration of SBS dealers and major SBS participants (''SBS entities''). *Id.* at 6346. The compliance date for registration of SBS entities is October 6, 2021. *See id.* at 6270, 6345.

[14] *See id.* The specific rule provisions of the SBS Reporting Rules affected by the no-action statement are discussed in Part II.B.

[15] *See* 15 U.S.C. 78m(n)(3).

[16] 17 CFR 240.13n–1(c)(3).

[17] *Id.*

[18] *See* 15 U.S.C. 78k–1(b)(3).

[19] *See* SDR Adopting Release, *supra* note 7, at 14459.

[20] *See id.* at 14458.

[21] *See id.* at 14458–59.

[22] *See supra* notes 12–14 and accompanying text.

[23] *See supra* note 14.

[24] The ANE Adopting Release provides additional discussion of the particular aspects of the affected rules that would not provide a basis for an enforcement action. *See* ANE Adopting Release, *supra* note 12, at 6347–48.

[25] *Id.* at 6348.

[26] *Id.* For example, an applicant need not describe in Exhibit S its functions as a SIP.

[27] *See* Rulebook, Ex. HH, sec. 3.1; *see also* Disclosure Document, Ex. D6, sec. 1.

the Commission's position outlined in the ANE Adopting Release for applicable reporting rules and SBSDR duties for the period set forth therein.[28] Below is an overview of the representations made in the application materials.

A. Organization and Governance

DDR is a New York limited liability company and a wholly owned subsidiary of DTCC Deriv/SERV LLC (''Deriv/SERV''), which in turn is a wholly owned subsidiary of The Depository Trust & Clearing Corporation (''DTCC'').[29] DDR is governed by a board of directors (''DDR Board'').[30] The number of directors on the DDR Board is determined by Deriv/SERV as the sole LLC member of DDR.[31] The DDR Board is composed of individuals selected from the following groups: Employees of DDR's users (either fees paying users or end users) with derivatives industry experience, buy-side representatives, independents, and members of senior management or the Board of DTCC.[32] The Deriv/SERV Nominations Committee shall periodically review the composition of the DDR Board to assure that the level of representation of directors from users, management and non-users is appropriate for the interests of these constituencies in DDR.[33]

In addition, the DDR Board is responsible for the appointment and removal of the chief compliance officer (''CCO'') and approval of CCO compensation, which is at the discretion of the Board and effected by a majority vote.[34] The CCO is responsible for establishing and administering the compliance program that is designed to prevent violations of the obligations of a swap data repository under the Dodd-Frank Act and other applicable regulations and is ultimately responsible for ensuring that DDR complies with the requirements of the Commodity Exchange Act, the Securities Exchange Act and other applicable laws and regulations.[35] The Chief Compliance Officer has oversight over all compliance functions and staff related to DDR's compliance program.[36] The duties of the CCO include, but are not limited to, the following: (a) Oversee and review DDR's compliance with applicable law in jurisdictions where DDR is registered, designated, recognized or otherwise licensed; (b) in consultation with the DDR Board or the Senior Officer, resolve any conflicts of interests that may arise, including, but not limited to, conflicts between business considerations and compliance requirements, conflicts between business considerations and compliance requirements for fair and open access, and conflicts between the management and members of the DDR Board; (c) establish and administer written policies and procedures reasonably designed to prevent violation of law; (d) take reasonable steps to ensure compliance with applicable law relating to agreements, contracts or transactions and confidentiality agreements entered into with foreign or domestic regulators; (e) establish procedures for the remediation of non-compliance issues identified by the CCO through a compliance office review, look-back, internal or external audit finding, self-reported error, or validated complaint; (f) notify the DDR Board as soon as practicable upon becoming aware of a circumstance indicating that DDR, or an individual acting on its behalf, is in non-compliance with the applicable laws of a jurisdiction in which it operates and either: (1) The non-compliance creates a risk to a user; (2) the non-compliance creates a risk of harm to the capital markets in which it operates; (3) the non-compliance is part of a pattern of non-compliance; or (4) the non-compliance may have an impact on DDR's ability to carry on business as a trade repository in compliance with applicable law; (g) establish and follow appropriate procedures for the handling, management response, remediation, retesting and closing of noncompliance issues; (h) establish and administer a written code of ethics; and (i) prepare and sign an annual compliance report in accordance with applicable regulations and associated recordkeeping.[37] In addition, the application provides that the CCO or a delegate thereof has the authority to investigate any potential rule violation and is responsible for enforcing sanctions related to violations and for following the procedures outlined for DDR system restrictions.[38]

The CCO, in consultation with the DDR Audit Committee, will resolve all conflicts of interest.[39] Any conflict of interest not resolved by the DDR Audit Committee shall be escalated to the DDR Board for resolution.[40] When resolving conflicts of interest involving DDR staff, the DDR CCO, DDR's senior officer, the audit committee, and the DDR Board consider all relevant facts and circumstances.[41] With regard to director conflicts of interest, the application provides that a director conflict is present whenever the interests of DDR compete with the interests of a director or any party associated with a director.[42] The application also provides that a director conflict is present whenever a director's corporate or personal interests could be reasonably viewed as affecting his or her objectivity or independence in fulfilling his or her duties.[43] According to the application materials, DDR expects its directors to act on the side of caution and immediately bring to the attention of the DDR CCO and either the Board Chairman or DDR's legal counsel any matters involving conflicts of interest.[44]

B. Access and Information Security

According to DDR, access to and usage of its SDR service will be available to all market participants that engage in SBS transactions, and DDR does not and will not bundle or tie its SDR services with any other services.[45] The application provides that DDR's services would be available to all market participants on a fair, open, and equal basis.[46] Further, DDR does not impose membership qualifications on users of its services beyond (i) requiring execution of membership documents, such as a user agreement, (ii) the ability to comply with the technical specifications published by DDR, and (iii) compliance with applicable law, specifically those related to sanctions administered and enforced by the Office of Foreign Assets Control of the U.S. Department of the Treasury (''OFAC'').[47]

To be granted access to the DDR system, receive trade information, confirm or verify transactions, submit messages, or receive reports, a market participant must be an onboarded user.[48] For those market participants that onboard, DDR will provide a mechanism for users to access the DDR system to confirm and verify transactions. Users are required to maintain at least two Super Access Coordinators (''SuperACs'') on the DDR System; SuperACs are responsible for: (1) Providing access to other individuals (referred to as ''ACs'') who are eligible

[28] *See* Form SDR, cover letter from Katherine Delp, General Manager, DTCC Data Repository (U.S.) LLC.

[29] Rulebook, Ex. HH, sec. 2.1.

[30] *Id.* at sec. 2.2.

[31] *Id.*

[32] *Id.*

[33] *Id.*

[34] Rulebook, Ex. HH, sec. 2.3.

[35] Ex. P.

[36] *Id.*

[37] Rulebook, Ex. HH, sec. 2.3.

[38] Rulebook, Ex. HH, sec. 10.5.

[39] Rulebook, Ex. HH, sec. 11.1.

[40] *Id.*

[41] *Id.*

[42] Rulebook, Ex. HH, sec. 11.2.

[43] *Id.*

[44] *Id.* at sec. 11.3.

[45] *See id.* at sec. 1.1.

[46] *See id.*

[47] *See id.*

[48] *See id.*

to access the System and use the SDR Services on behalf of the user; and (2) removing access for any individuals who should no longer access the System on behalf of the user.[49]

To participate in the SDR services offered by DDR, each user will be required to enter into a user agreement; by entering into a user agreement each user agrees to be bound by the terms of the user agreement and DDR Operating Procedures, which incorporate terms of DDR's Rulebook.[50] In addition, the DDR Rulebook provides that each user must comply with all reasonable requests by DDR for information, documentation, or data concerning such user and related to such user's use of the DDR system as DDR may deem necessary.[51] The DDR Rulebook also states that DDR has the right to audit or inspect a user (and its facilities) with respect to its use of the DDR system, upon reasonable notice.[52] Furthermore, the DDR Rulebook provides that users must cooperate with such audits or inspections and with other inquiries by DDR concerning their use of the DDR system.[53]

The DDR Operating Procedures provide that each user agrees to defend and indemnify DDR from and against all reasonable losses, liabilities, damages, judgments, settlements, fines, costs, and expenses DDR may incur directly arising out of or directly relating to the acts or omissions of a user's participation or failure to participate (for itself or on behalf of others) in DDR's services or DDR's system, any unauthorized access to DDR's system through such user's interface with DDR's system, or any other matter directly relating to such user that is not the responsibility of DDR under the DDR Operating Procedures, except to the extent that such losses arise out of or relate to the DDR's negligence or willful misconduct.[54]

With respect to prohibiting or limiting a person's access to SDR services, the DDR Rulebook outlines the process required for DDR to decline an application to become a user of SDR services.[55] For example, DDR may deny an applicant's access to the DDR system if required pursuant to applicable law (*e.g.,* due to sanctions against the application administered and enforced by OFAC or the Canadian Government's Office of the Superintendent of Financial Institutions).[56] The DDR Rulebook provides that any such applicants would receive notice and an opportunity for a hearing in the event that DDR declines an application.[57] The DDR Rulebook also provides that, if the denial of an application is reversed by the DDR Board or by the Commission pursuant to Section 11A of the Exchange Act, such application will be accepted and the applicant granted access following completion of onboarding requirements.[58]

With respect to DDR temporarily denying a user access to or imposing restrictions on its use of the DDR system, the DDR Rulebook provides that DDR may take such action where a user: (i) Violates DDR rules; (ii) refuses to or neglects to comply with any direction DDR deems reasonably necessary to protect its systems and other users; (iii) or any error, delay, or other conduct that materially and adversely affects the operations of DDR (each a ''Subject Event'').[59] Limits to the activities, functions, or operation of users may include, but are not limited to, restricting access to the DDR system or a user's ability to submit data via a non-approved source and assessing users with all costs incurred by DDR in connection with a ''Subject Event'' and apply any deterrent financial penalties that DDR may deem necessary.[60] The DDR Rulebook provides that DDR is required to provide prompt notice to the designated regulators of any such action,[61] as well as furnish the user with a concise written statement describing the Subject Event applicable to the user.[62]

In addition, the DDR Rulebook provides that DTCC has established a Technology Risk Management Team, whose role is to manage information security risk and ensure the availability, integrity, and confidentiality of the organization's information assets.[63] DDR will be responsible for monitoring the performance of DTCC regarding implementation and maintenance of information security within its infrastructure.[64] The DDR Rulebook specifies that various policies have been developed to provide the framework for both physical security and information security are routinely refreshed.[65] According to DDR, the Technology Risk Management Team carries out a series of processes to endeavor to ensure DDR is protected in a cost-effective and comprehensive manner, while still meeting the requirements of applicable regulations.[66] This includes preventive controls such as firewalls, appropriate encryption technology, and authentication methods.[67] Vulnerability scanning is used to identify high risks to be mitigated and managed and to measure conformance against the policies and standards.[68]

The DDR system is supported by DTCC and relies on the disaster recovery program maintained by DTCC.[69] To enable DDR to provide timely resumption of critical services should there be any disruption to its business, DDR follows these key principles for business continuity and disaster recovery: (i) Achieve recovery of critical services within a four-hour window with faster recovery time in less extreme situations; (ii) disperse staff across geographically diverse operating facilities; (iii) operate multiple back-up data centers linked by a highly resilient network technology; (iv) maintain emergency command and out-of-region operating control; (v) utilize new technology which provides high-volume, high-speed, asynchronous data transfer over distances of 1,000 miles or more; (vi) maintain processes that mitigate marketplace, operational and cyber-attack risks; (vii) test continuity plan readiness and connectivity on a regular basis ensuring that users and third-party vendors/service providers can connect to DDR's primary and back-up sites; (viii) communicate on an emergency basis with the market, users and government agency decision-makers; and (ix) evaluate, test, and utilize best business continuity and resiliency practices.[70]

C. Acceptance and Use of SBS Data

The application provides that DDR will provide Market Participants with the ability to submit data for over-the-counter (''OTC'') derivatives for credits, equities, rates, foreign exchange (''FX'') and other commodity asset classes.[71] DDR may reject a transaction record submitted due the submission failing to meet DDR validations, including but not limited to the submission failing to be

[49] *Id.* at sec. 1.2.

[50] *Id.* at sec. 1.3.

[51] *Id.* at sec. 10.5.

[52] *Id.*

[53] *Id.*

[54] *Id.,* app. A, at sec. 9.

[55] *See id.* at sec. 10.2.

[56] *See id.*

[57] *See id.*

[58] *See id.*

[59] *See id.* at sec. 10.4.1.

[60] *See id.*

[61] *See id.*

[62] *See id.* at sec. 10.4.2 (setting out DDR's procedures for restrictive proceedings, including the user's response to the Subject Event written statement, the user's opportunity for a hearing, and the user's right to apply for review to the DDR Board).

[63] *Id.* at sec. 9.2.

[64] *Id.* at sec. 9.1.

[65] *Id.* at sec. 9.2.

[66] *Id.*

[67] *Id.*

[68] *Id.*

[69] *See id.* at sec. 8.1.

[70] *See id.*

[71] *Id.* at sec. 3.1; *see also* Disclosure Document, Ex. D6, sec. 1.

in a format that can be ingested by DDR, failing to meet jurisdictional requirements or failing to provide required data elements.[72] A rejected submission is deemed not to have been submitted at all with respect to reporting to the jurisdiction for which it was rejected (it is possible that one transaction record is submitted to comply with reporting in more than one jurisdiction and may be acceptable for one jurisdiction, but rejected for the other).[73] Upon submission, the DDR System will perform validation checks to ensure that each submitted record is complete and accurate, in accordance DDR's message ingestion requirements.[74] This process is completed through validation and consistency checks.[75] If the record fails these validation or consistency checks, the record will be rejected, and such rejection status will be communicated to the user(s) to correct and re-submit.[76] According to DDR, the SDR process is an end-to-end straight through process; from the receipt of data, processing and maintenance of data, and dissemination of data, processes are automated and do not require manual intervention; this straight through processing model is a key mitigant to modification or invalidation of any data.[77]

DDR's Operating Procedures provides that DDR and each user agrees that each will treat as confidential (both during and after the termination of a user's access to DDR's system) all confidential information (defined as: (i) With respect to DDR, transaction data specified in records received by DDR and any data, reports, summaries or payment amounts which may be produced as a result of processing such transaction data, and (ii) with respect to any user, the technical specifications of DDR's system (to the extent not publicly disclosed by DDR; but confidential information does not include data distributed to the public in accordance will applicable law).[78]

D. Fees

The application includes DDR's fee schedules.[79] There are two types of fees, Position Maintenance Fees and Account Management Fees.[80] DDR charges a monthly ''Position Maintenance Fee,'' based on the number of positions open at any time during the applicable month and which decreases as the number of open positions increases on a tiered basis.[81] Position count includes positions even if terminated or exited prior to the month end.[82] Platforms, as that term is defined by Commission rules,[83] are not charged position maintenance fees.[84] For a position where a clearing agency (''Clearer'') is a counterparty, the Clearer shall be responsible for the Position Maintenance Fee, less a 75% reduction.[85] For all other positions, the Reporting Side, as that term is defined by Commission rules,[86] will be responsible for Position Maintenance Fees.[87] For entities grouped as a single account with subaccounts (''Grouped Accounts''), positions will be aggregated for purposes of determining position count threshold and to determine the applicable tiered Position Maintenance Fees.[88]

In addition to the Position Maintenance Fee, the application indicates that DDR will charge an annual ''Account Management Fee,'' currently set at $1,200.00, that will apply to all accounts and will be prorated in the year the account is opened.[89] Accounts may be set up on an individual entity basis or, in certain instances, as Grouped Accounts, such as a corporate family[90] that chooses to structure its account as a single account with subaccounts for affiliates or an asset manager that chooses to structure its account as a single account with subaccounts for its managed funds. Grouped Accounts will be charged one Account Management Fee.[91]

DDR's fee policy further provides that users will have the option to elect to enter into a long-term commitment for a period ending December 31, 2024 (''Long Term Commitment''), which would reduce the applicable Position Maintenance Fee and Account Management Fee by ten percent, exclusive of tax, for the duration of the Long-Term Commitment.[92] If the Long Term Commitment is terminated prior to the end of the applicable Long Term Commitment period, DDR explains that the non-Clearer User will be subject to an early termination fee equal to: (a) The difference between the total amount of fees due after application of the Long Term Commitment incentive and the total amount of fees that would have been due during the applicable portion of the Long Term Commitment period had no incentive been provided (''Total Incentive Provided''); plus (b) the greater of five percent of the Total Incentive Provided or $500.00.[93]

E. Recordkeeping

The DDR Rulebook provides that DDR will maintain all information as required by applicable law as well as maintain swap and security-based swap data throughout the existence of the swap and security-based swap and for 15 years following termination of the swap or security-based swap or as otherwise required by applicable regulations.[94] The records will be readily accessible throughout the life of a swap or security-based swap and for 5 years following its termination and shall be in an electronic format that is non-rewriteable and non-erasable.[95] For the remainder of the retention period, the swap or security-based swap record will be retrievable within 3 business days.[96] In the event DDR ceases doing business or ceases to be a registered or designated trade repository it shall continue, for a period of not less than five (5) years or upon transfer to the Designated Regulator or its designee or another registered or designated trade repository for that jurisdiction, to preserve, maintain, and make accessible to each Designated Regulator or its designee, the records and data required by Applicable Regulation in accordance with DDR's Wind-Down Policies and Procedures document.[97]

[72] Rulebook, Ex. HH, sec. 1.3.

[73] *Id.*

[74] *Id.* at sec. 10.1.1.

[75] *Id.*

[76] *Id.*

[77] Ex. EE.

[78] Rulebook, Ex. HH, app. A, sec. 8; *see also* Disclosure Document, Ex. D6, sec. 5 (DDR's privacy and confidentiality policies and procedures).

[79] *See* Ex. M. Additionally, DDR provides a fee schedule for DDR Users on its website at *http://www.dtcc.com/derivatives-services/global-trade-repository/gtr-us.*

[80] *See* Ex. M.

[81] The Position Maintenance Fees only apply for a position count of five hundred or more open positions during any month. *See id.* For examples of the calculation of the Position Maintenance Fee, see Annex A to Exhibit M of the application.

[82] *See* Ex. M.

[83] *See* 17 CFR 242.900(v) (defining ''platform'' as a national securities exchange or security-based swap execution facility that is registered or exempt from registration).

[84] *See* Ex. M.

[85] *See id.*

[86] *See* 17 CFR 242.900(gg) (defining ''reporting side'' as the side of a security-based swap identified by Rule 901(a)(2) as having the duty to report the transaction).

[87] *See* Ex. M.

[88] *See id.*

[89] *See id.*

[90] DDR organizes its users into families (each, a ''Family'') as directed by the users (through User Agreements or in such other manner as designated by DDR from time to time) that desire to be so organized. *See* Rulebook, Ex. HH, app. A, sec. 2.

[91] *See id.*

[92] *See id.*

[93] *See id.*

[94] Rulebook, Ex. HH, sec. 1.4.1.

[95] *Id.*

[96] *Id.*

[97] *Id.*

F. Disclosure

DDR publishes a disclosure document to provide a summary of information regarding its service offerings and the SBS data it maintains.[98] Specifically, the disclosure document sets forth a description of the following: (i) A description of access to services offered and swap data maintained; (ii) criteria for those seeking to connect to or link with its SDR; (iii) criteria for those seeking to connect to or link with DDR systems; (iv) policies and procedures with respect to DDR systems safeguards; (v) policies and procedures related to privacy and confidentiality; (vi) policies and procedures regarding its non-commercial and commercial use of transaction data; [99] (vii) procedures for dispute resolution; (viii) fees, rates, dues and other charges; and (ix) governance arrangements.[100]

G. Regulatory Reporting and Public Dissemination

As a registered SDR, DDR would carry out an important role in the regulatory reporting and public dissemination of SBS transactions. As noted above, DDR has stated that it intends to rely on the no-action statement included in the ANE Adopting Release for the period set forth in the ANE Adopting Release with respect to any SBS asset class or classes for which it intends to accept transaction reports.[101] Therefore, DDR does not need to include materials in its application explaining how it would comply with the provisions of the SBS Reporting Rules noted in the no-action statement.[102] Instead, DDR may rely on its discussion about how it complies with comparable CFTC requirements pertaining to regulatory reporting and public dissemination of swap transactions.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning DDR's Form SDR, including whether DDR has satisfied the requirements for registration as an SDR and as a SIP. Commenters are requested, to the extent possible, to provide empirical data and other factual support for their views. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SBSDR–2020–01 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to File Number SBSDR–2020–01.

To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*).

Copies of the Form SDR, all subsequent amendments, all written statements with respect to the Form SDR that are filed with the Commission, and all written communications relating to the Form SDR 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 Section, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m.

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 SBSDR–2020–01 and should be submitted on or before March 3, 2021.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02755 Filed 2–9–21; 8:45 am]

BILLING CODE 8011–01–P

[98] *See* Disclosure Document, Ex. D6.

[99] *See also* Rulebook, Ex. HH, sec. 6.3 (''As part of the SDR Services, DDR receives and collects swap and security-based swap data in the ordinary course of its business from various Market Participants and registered entities for the purpose of maintaining a centralized recordkeeping facility for swaps and security-based swaps. The collection and maintenance of this data is designed to enhance the transparency, promote standardization and reduce systemic risk by making this data available to regulators and the public pursuant to Applicable Law. Therefore, access to data maintained by DDR to Market Participants is generally prohibited, except to either counterparty to that particular swap or security-based swap, such counterparty's authorized third party service providers or other parties specifically authorized by the User or counterparty pursuant to Rule 1.3 or 6.4, or to other regulators or entities in accordance with Rule 6.5 below. DDR shall not, as a condition of the reporting of swap or security-based swap transaction data, require a Reporting Party to consent to the use of reported data for commercial or business purposes. DDR shall not make commercial use of real-time swap data prior to its public dissemination.'').

[100] *See id.*

[101] *See supra* note 25 and accompanying text.

[102] However, the DDR application includes provisions explaining how DDR would require users to identify SBS, as required by Rule 901(c)(1) of Regulation SBSR. *See* Exhibit HH2, sec. 4.4 (regarding Unique Product Identifiers). The DDR application also includes a provision explaining how DDR would comply with a condition to the no-action statement included in the ANE Adopting Release. *See* Exhibit GG2, sec. 15.2.3.2 (providing, in the case of a credit security-based swap, for dissemination of a capped notional size of $5 million if the true notional size of the transaction is $5 million or greater).

DEPARTMENT OF STATE

[Public Notice: 11353]

Notice of Public Meeting in Preparation for International Maritime Organization Meeting

The Department of State will conduct a public meeting by way of teleconference on Thursday, March 11, 2021 starting at 1:00 p.m. eastern standard time. Members of the public may participate up to the capacity of the teleconference phone line, which will handle 500 participants. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 138 541 34#.

The primary purpose of the meeting is to prepare for the eighth session of the International Maritime Organization's (IMO) Sub-Committee on Pollution Prevention and Response (PPR 8) to be held remotely on March 22–26, 2021.

The agenda items to be considered include:

—Adoption of the agenda
—Decisions of other IMO bodies
—Safety and pollution hazards of chemicals and preparation of consequential amendments to the IBC Code
—Review of the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species
—Reduction of the impact on the Arctic of emissions of Black Carbon from international shipping
—Development of measures to reduce risks of use and carriage of heavy fuel oil as fuel by ships in Arctic waters
—Revision of MARPOL Annex IV and associated guidelines to introduce provisions for record-keeping and measures to confirm the lifetime performance of sewage treatment plants
—Follow-up work emanating from the Action Plan to address marine plastic litter from ships
—Biennial agenda and provisional agenda for PPR 9

—Election of Chair and Vice-Chair for 2022
—Any other business
—Report to the Marine Environment Protection Committee

Please note: The IMO Sub-Committee may, on short notice, adjust the PPR 8 agenda to accommodate the constraints associated with the virtual meeting format. Although no changes to the agenda are anticipated, if any are necessary they will be provided to those who RSVP.

Those who plan to participate may contact the meeting coordinator, Ms. Melissa Perera, by email at *Melissa.E.Perera@uscg.mil,* by phone at (202) 372–1446, or in writing at COMDT (CG–OES–3), ATTN: Ms. Melissa Perera, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509. Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

Jeremy M. Greenwood,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2021–02693 Filed 2–9–21; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 558 (Sub-No. 24)]

Railroad Cost of Capital—2020

AGENCY: Surface Transportation Board.

ACTION: Notice of decision instituting a proceeding to determine the railroad industry's 2020 cost of capital.

SUMMARY: The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2020. The decision solicits comments on the following issues: The railroads' 2020 current cost of debt capital; the railroads' 2020 current cost of preferred equity capital (if any); the railroads' 2020 cost of common equity capital; and the 2020 capital structure mix of the railroad industry on a market value basis.

DATES: Notices of intent to participate are due by March 29, 2021. Statements of the railroads are due by April 19, 2021. Statements of other interested persons are due by May 10, 2021. Rebuttal statements by the railroads are due by June 2, 2021.

ADDRESSES: Comments may be filed with the Board via e-filing on the Board's website.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245–0333. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The decision in this proceeding is posted at *www.stb.gov.*

Authority: 49 U.S.C. 10704(a)

Decided: February 4, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2021–02754 Filed 2–9–21; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36476]

RYAL, LLC—Modified Certificate of Public Convenience and Necessity

RYAL, LLC (RYAL), a noncarrier, has filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150 subpart C—*Modified Certificate of Public Convenience and Necessity,* for RYAL to lease and operate over an approximately 26-mile rail line owned by the Port of Royal Slope (the Port), a Washington State municipal corporation, which (1) originates at milepost 1989.06, near Othello, Adams County, Wash., and continues west for 20.44 miles to milepost 2009, at Royal City Junction, Grant County, Wash.; and (2) proceeds north a distance of 5.2 miles, terminating at an industrial siding at milepost 5.2 near Royal City, Grant County, Wash. (the Line).[1]

RYAL states that the Line was authorized for abandonment by a decision of the Interstate Commerce Commission in Docket No. AB 7 (Sub-No. 86) served on January 30, 1980, but the abandonment was not consummated. According to RYAL, the Line was sold to the Port in 1982 for continued rail service [2] and was most recently leased to WRL, LLC (WRL), pursuant to a modified rail certificate. (Notice 1, 3–4.) *See WRL, LLC—Modified Rail Certificate of Pub. Convenience & Necessity—Adams & Grant Cntys., Wash.,* FD 36002 (STB served June 3, 2016).

According to the notice, RYAL and the Port have entered into an Operating Lease Agreement, dated December 17, 2020. Furthermore, RYAL states that the Port has agreed to accept RYAL's assumption of WRL's lease, to be effective upon the renewal of the lease on February 12, 2021. (Notice 4.)

The Line qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies & Instrumentalities & Pol. Subdivs.,* FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22. RYAL states that no subsidy is involved and that there will be no preconditions that shippers must meet to receive service. (Notice 5.) RYAL's notice also includes a certificate of liability insurance coverage.[3] (Notice Ex. D.)

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 500, Washington, DC 20001.

Board decisions and notices are available at *www.stb.gov.*

Decided: February 5, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2021–02766 Filed 2–9–21; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering (GF) Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: January 1–31, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and

[1] The notice indicates that RYAL is wholly owned by Paul Didelius (Didelius), an individual and noncarrier. In a related proceeding, Didelius filed a verified notice of exemption to continue in control of RYAL upon its becoming a Class III carrier. *See Didelius—Continuance in Control Exemption—RYAL, LLC,* FD 36477 (STB served January 28, 2021).

[2] RYAL also states that the Line ''came under the control'' of Sunfresh, Inc., the guarantor of a Federal Railroad Administration loan upon which the Port defaulted, in 1992; was purchased by the Washington State Department of Transportation in 1993; and was reacquired by the Port in 2015. (Notice 3–4.)

[3] On January 21, 2021, RYAL filed a supplemental proof of insurance.

Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, subpart E:

1. Borough of Tyrone—Public Water Supply System, GF Certificate No. GF–202101147, Snyder Township, Blair County, Pa.; Sink Run; Issue Date: January 14, 2021.

2. Borough of Millheim—Millheim Borough Water Company, GF Certificate No. GF–202101148, Millheim Borough and Penn Township, Centre County, Pa.; Phillips Creek; Issue Date: January 14, 2021.

3. South Renovo Borough—Public Water Supply System, GF Certificate No. GF–202101149, Noyes Township, Clinton County, Pa.; Halls Run Reservoir and Well 1; Issue Date: January 14, 2021.

4. Geneva Farm Golf Course, Inc.—Geneva Farm Golf Club, GF Certificate No. GF–202101150, Street, Harford County, Md.; combined withdrawal from Wells 1, 2, and 3 and Irrigation Pond; Issue Date: January 22, 2021.

5. Kreamer Municipal Authority—Public Water Supply System, GF Certificate No. GF–202101151, Middlecreek Township, Snyder County, Pa.; Wells 4 and 9; Issue Date: January 22, 2021.

6. Saint Francis University, GF Certificate No. GF–202101152, Allegheny Township and Loretto Borough, Cambria County, Pa.; Wells 1 and 2; Issue Date: January 26, 2021.

7. McClure Municipal Authority—Public Water Supply System, GF Certificate No. GF–202101153, McClure Borough, Snyder County, Pa.; Wells 1, 3, and 4; Issue Date: January 26, 2021. Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

8. SUEZ Water Pennsylvania Inc.—Dallas Operation, GF Certificate No. GF–202101154, Dallas Township, Luzerne County, Pa.; Country Club Well, Bunn Well, Haddonfield Well, and Snyder Well; Issue Date: January 26, 2021.

Dated: February 4, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–02682 Filed 2–9–21; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on March 12, 2021, from Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice. Also the Commission published a document in the **Federal Register** on January 11, 2021, concerning its public hearing on February 4, 2021, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Friday, March 12, 2021, at 9 a.m.

ADDRESSES: The meeting will be conducted telephonically from the Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717–238–0423; fax: 717–238–2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Recognition of SRBC's 50th anniversary; (2) release of proposed rulemaking for public comment; (3) ratification/approval of contracts/grants; and (4) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the COVID–19 orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting by telephone conference and may do so by dialing Conference Call # 1–888–387–8686, the Conference Room Code # 9179686050. Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *www.srbc.net/about/meetings-events/business-meeting.html.* Such comments are due to the Commission on or before March 10, 2021. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 5, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–02753 Filed 2–9–21; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before March 12, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 4, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		Granted	
14636–M	Department of Defense (Military Surface Deployment & Distribution Command).	172.301(c), 180.209	To modify the special permit to streamline the identification of tubes being requalified and to authorize additional OCONUS locations.
15691–M	Department of Defense (Military Surface Deployment & Distribution Command).	172.301(c), 180.209	To streamline the listing of authorized cylinders, update the locations where the permitted cylinders are authorized and remove the one-time extension and restate the five year requalification requirements.
16118–M	Toyota Motor Sales USA Inc	173.301(a)(1)	To modify the special permit to more closely align it with relevant sections for compressed hydrogen in the UN Model Regulation 21st Revision, Special Provision 392.
16308–M	Vero Biotech LLC	173.175	To modify the special permit to authorize a new absorbent filler surrounding the ampules being transported.
21018–M	Packaging and Crating Technologies, LLC.	172.200, 172.300, 172.400, 172.600, 172.700(a), 173.185(b), 173.185(c), 173.185(f).	To modify the special permit to authorize batteries up to 1200Wh to be transported in Thermo Shield pleatwrap.
21135–N	JohnDow Industries, Inc	178.503(a)	To authorize the marking of specification packagings that were mismarked with an incorrect specification.
21142–N	Atlas Air, Inc	172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3).	To authorize the transportation in commerce of explosives forbidden aboard cargo-only aircraft by cargo-only aircraft.
21166–M	Federal Cartridge Company	173.56(b)	To modify the special permit to authorize private carriage of the authorized hazmat.
21173–N	Lynden Air Cargo, LLC	172.101 Column (9B)	To authorize the transportation in commerce of certain explosives which are forbidden for transport by cargo-only aircraft.
21175–N	I–K–I Manufacturing Co., Inc	173.306(a)(5)	To authorize the transportation in commerce of plastic aerosols classed as Division 2.1 for the purposes of testing and disposal.
21176–N	Solvay Fluorides, LLC	173.227	To authorize the transportation in commerce of 3 cargo containers containing a 6.1 hazmat that has been packaged and packed in accordance with IMDG regulations but not the HMR.
		Denied	
		Withdrawn	
21108–N	Aerospacelab	173.185(a)(1)	To authorize the transportation in commerce of low production lithium batteries contained in equipment by motor vehicle and cargo-only aircraft.
21113–N	Spaceflight, Inc	173.185(a)(1)	To authorize the transportation in commerce of low production lithium batteries contained in spacecraft by cargo-only aircraft.
21164–N	The Boeing Company	172.102, 172.200, 172.560, 172.301, 172.700(a), 172.447, 173.27, 173.185, 178.600.	To authorize the transportation in commerce of a temperature-controlled Active Unit Load Device (containing compressed gas and lithium battery) via aircraft.

[FR Doc. 2021–02769 Filed 2–9–21; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 12, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 4, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21170–N	Westwind Helicopters, Inc	172.101 Column (9B)	To authorize the transportation in commerce of certain hazardous materials by cargo-only aircraft in quantities that exceed the limitation in Column (9B) of the 172.101 Table. (mode 4).
21171–N	HDT Expeditionary Systems, Inc.	172.101 Column (9B)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4).
21172–N	North Carolina Department of Agriculture & Consumer Services.	172.300, 173.196, 173.199, 173.201, 173.202, 173.203, 173.211, 173.212, 173.213.	To authorize one-time transportation by highway of certain biological and infectious substances, dilute pesticide solutions and small quantities of laboratory reference standard materials from two adjacent facilities to newly constructed facility. (mode 1).
21174–N	LG Energy Solution, Ltd	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4).
21178–N	Meggitt Safety Systems, Inc	173.302(a)(1)	To authorize the manufacture, mark, sale, and use of non-DOT specification small, high pressure cylinders of welded construction similar to a DOT 3HT. (modes 1, 2, 3, 4).
21179–N	Airgas USA, LLC	172.203(a), 172.301(c), 180.205(f), 180.205(g)(1), 180.209(a), 180.213(f)(2).	To authorize the transportation in commerce of DOT–3AA specification cylinders that are requalified every fifteen (15) years rather than every ten (10) years using 100% ultrasonic examination (UE) and are equipped with a Type 1 Residual Pressure Valve (RPV). (modes 1, 2, 3, 4, 5).
21180–N	Norse Flight, Inc	172.101(j), 173.242, 173.243, 173.27.	To authorize the transportation in commerce of certain Class 3 hazardous materials by cargo-only aircraft in non-specification bulk packagings in quantities that exceed the authorized quantity limitations to remote areas of Alaska. (mode 4).
21181–N	Terracycle Regulated Waste LLC.	172.102(c), 172.200, 172.300, 172.400, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3).	To authorize the manufacture, marking, sale and use of non-DOT specification fiberboard boxes for the transportation in commerce of certain batteries without shipping papers, marking of the proper shipping name and identification number or labeling, when transported for recycling or disposal. (modes 1, 2).
21182–N	LG Energy Solution, Ltd	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4).
21183–N	Lynden Air Cargo, LLC	172.101 Column (9B), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3), 175.30(a)(1).	To authorize the transportation in commerce of Division 1.1, 1.2, 1.3, and 1.4 explosives that are forbidden for transportation aboard aircraft or are in excess of the quantity limitations in Column 9B of the 172.101 HMT via cargo-only aircraft. (mode 4).
21184–N	Arkema Inc	177.834(h)	To authorize the transportation in commerce of organic peroxide Type F material in UN IBCs without unloading the package from the vehicle prior to discharge. (mode 1).
21185–N	Hach Company	172.102(b)(4), 173.36(a)	To authorization the transportation in commerce of certain PG II corrosive materials in UN 50H packagings. (mode 1).

SPECIAL PERMITS DATA—Continued

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
21186–N	Cryogenic Industrial Solutions LLC.	172.203(a), 172.301(c), 180.211(c)(2)(i).	To authorize the repair of certain DOT 4L cylinders without requiring pressure testing. (modes 1, 2, 3, 4, 5).
21187–N	Enerdel, Inc	172.101(j)	To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft. (mode 4).
21189–N	Veolia ES Technical Solutions, LLC.	173.21(b), 173.51, 173.54(a), 173.56(b), 173.64, 173.65.	To authorize the one-time, one-way transportation in commerce of unapproved fireworks by highway. (mode 1).

[FR Doc. 2021–02767 Filed 2–9–21; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Modifications to Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before February 25, 2021.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on February 04, 2021.

Donald P. Burger,

Chief, General Approvals and Permits Branch.

SPECIAL PERMITS DATA

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
7765–M	Cobham Mission Systems Orchard Park Inc.	173.302a(a)(1)	To modify the special permit to remove certain part numbers and to increase the maximum service pressure. (modes 1, 2, 3, 4).
15689–M	AVL Test Systems, Inc	172.200, 172.301(c), 177.834(h).	To modify the special permit to authorize a new bottle with protected head/valve cover and a new heavy duty mounting method. (modes 1, 2, 3).
20876–M	Sodastream USA Inc	178.71	To modify the special permit to remove the requirement of marking the outer package with the special permit number and removed the requirement that a copy of the permit be carried aboard each vessel or motor vehicle used to transport packages covered by the permit. (modes 1, 2, 3).
20996–M	Norfolk Southern Railway Company.	174.85(a)	To modify the special permit to remove the requirement for signage on distributed power units. (mode 2).
21041–M	KLA Corporation	173.212, 173.213	To modify the special permit to authorize a change in the description of the hazmat being offered for transportation. (modes 1, 4).
21069–M	Catalina Cylinders, Inc	173.302a, 178.71(l)(1)	To modify the special permit to authorize an additional requalification test method (pneumatic proof pressure) (modes 1, 2, 3, 4).
21104–M	Kelley Fuels, Inc	172.302(c), 172.334(b)(3)	To modify the special permit to authorize the placarding to the lowest flashpoint when switching between straight loads of gasoline and combustible distillate fuels in U.S. DOT Specification cargo tank motor vehicles. (modes 1).

[FR Doc. 2021–02768 Filed 2–9–21; 8:45 am]

BILLING CODE 4910–60–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 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: 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.

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.treas.gov/ofac*).

Notice of OFAC Actions

On May 19, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Entity

1. SHANGHAI SAINT LOGISTICS LIMITED, Rm 910, 9/F, 650 Han Kou Road, Huang Pu District, Shanghai, China; Rm 930, Building C, Cifi Air Center, Shunyi District, Beijing, China; Email Address *res@shsaintlog.com;* alt. Email Address *resbjs@shsaintlog.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: MAHAN AIR).

Designated pursuant to section 1(a)(iii)(A) of 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), 3 CFR, 2001 Comp., p. 786, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions to Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended) for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, MAHAN AIR, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

Dated: May 19, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

Editorial Note: This document was received for publication by the Office of the Federal Register on February 4, 2021.

[FR Doc. 2021–02702 Filed 2–9–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Department of the Treasury.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, proposes to modify a current Treasury system of records titled, ''Treasury/TTB .001 Regulatory Enforcement Record System,'' which will now be titled ''Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) .001—Regulatory Enforcement System of Records.''

DATES: Submit comments on or before March 12, 2021. The modified routine uses will be effective on March 12, 2021.

ADDRESSES: You may submit comments electronically via the Federal eRulemaking Portal, *Regulations.gov*, *https://www.regulations.gov,* using the comment form posted for this document within Docket No. TTB–2020–0001. Alternatively, you may submit written comments to the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005, Attention–Revisions to Privacy Act Systems of Records. The Alcohol and Tobacco Tax and Trade Bureau no longer accepts comments submitted by email.

The Bureau will post all comments received, including any personal information you provide, along with any attachments or other supporting disclosures, without change on the *Regulations.gov* website. Therefore, you should submit only information you wish to make publicly available. The Bureau also will make any comments received available for public inspection and copying at the address listed above by appointment; telephone 202–453–1039, ext. 135, to make an appointment.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Michael Hoover at 202–453–1039, ext. 135. For privacy issues, please contact Jackie Washington at 202–453–1039, ext. 019.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury (''Treasury'' or the ''Department''), Alcohol and Tobacco Tax and Trade Bureau (TTB), proposes to modify an existing Treasury system of records titled, ''Treasury/TTB .001 Regulatory Enforcement Record System.'' This is the only system of records adopted by TTB as of October 1, 2020.

TTB administers the Internal Revenue Code of 1986 (IRC), as amended, at 26 U.S.C. chapter 51 (distilled spirits, wine, and beer), chapter 52 (tobacco products, processed tobacco, and cigarette papers and tubes), and sections 4181–4182 (firearms and ammunition excise taxes), and the Federal Alcohol Administration Act (FAA Act, 27 U.S.C. chapter 8). Under its IRC authorities, TTB collects the Federal excise taxes levied on alcohol, tobacco, firearms, and ammunition products and the special occupational taxes levied on certain tobacco industry members. Under these IRC and the FAA Act authorities, TTB also administers the Federal permit, registration, or notice requirements that apply to alcohol and tobacco industry members, as well the Federal requirements that apply to the production, labeling, and marketing of alcohol beverage products.

Under this system of records, TTB collects certain personal information from individuals who file tax returns with or submit return information to TTB regarding excise taxes on alcohol, tobacco, firearms, and ammunition, and from individuals who file special occupational tax returns or information. Also under this system of records, TTB collects certain personal information about individuals who are associated with operations and businesses that are the subject of permit applications, notices, or registrations under the IRC or FAA Act or activity undertaken under such permits, notices, or registrations. Such operations and businesses include alcohol and tobacco permittees; alcohol, tobacco, and firearms and ammunition excise taxpayers; special occupational taxpayers; claimants for refund, abatement, credit, allowance, or drawback of excise or special occupational taxes; and those filing offers in compromise.

While there are no significant changes to this system of records, TTB is modifying this system to make clarifying changes to conform to the latest guidance from the Department. Specifically:

- TTB is revising the system title to include the full name of the Department and Bureau, to read ''Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) .001–Regulatory Enforcement System of Records.''
- TTB is revising the categories of records included in this system to clarify the types of personally identifiable information (PII) currently kept in the system, including names of individuals, dates of birth, Social Security Numbers (SSNs) (if collected), Employer Identification Numbers (EINs), and address and contact information.
- TTB is adding or revising several routine use descriptions for this system to clarify to whom and for what purpose TTB may provide information contained in this system. In particular, as required by OMB Memorandum M–17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' dated January 3, 2017, TTB is updating the language used to describe the existing routine use for this system regarding sharing information with other Federal agencies or Federal entities to assist the Department and TTB in responding to a suspected or confirmed breach of this system or to prevent, minimize, or remedy the risk of harm from such a breach to regulated industry members, TTB, the Federal Government, or national security.
- Other minor changes made throughout the document are editorial in nature and include updates to the notice's format and correction of grammatical or typographic errors.

Federal law protects PII and other information contained in this system from disclosure. Specifically, 5 U.S.C. 552 prohibits the unauthorized disclosure of confidential commercial information obtained by the Federal Government from regulated businesses and individuals, and 26 U.S.C. 6103 prohibits disclosure of tax returns and related information unless disclosure is specifically authorized by that section.

This modified system will be included in Treasury's inventory of record systems. Treasury and TTB have provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

For the reasons set forth above in the preamble, TTB proposes to modify its system of records entitled ''Treasury/TTB .001 Regulatory Enforcement Record System'' as follows:

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) .001–Regulatory Enforcement System of Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

TTB maintains the system records at its headquarters in Washington, DC, and at its National Revenue Center in Cincinnati, OH, located, respectively, at these addresses:

- Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Washington, DC 20005; and
- Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Suite 8002, Cincinnati, OH 45202.

In addition, components of this system also are geographically dispersed throughout TTB's field offices. A list of TTB's field offices and their addresses is available on the TTB website at *https://www.ttb.gov/about-ttb/district-office-locations.*

SYSTEM MANAGER(S):

Assistant Administrator, Permitting and Taxation, Alcohol and Tobacco Tax and Trade Bureau, 550 Main Street, Suite 8002, Cincinnati, OH 45202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 5001, 5006(a), 5008, 5041, 5042(a)(2) and (3), 5044, 5051, 5055, 5056, 5061, 5062, 5064, 5101, 5132, 5172, 5179(a), 5181, 5271(b)(1), 5275, 5301(a) and (b), 5312, 5356, 5401, 5417, 5502, 5511(3), 5705, 5712, 6001, 6011(a), 6201, 6423, 7011, and 7122; 27 U.S.C. 204 and 207; and section 1111(d) of the Homeland Security Act of 2002, as codified at 6 U.S.C. 531(d).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to administer the laws under TTB's jurisdiction, including determining eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by TTB; assure collection of the revenue due from regulated industry members; preventing improper trade practices in the beverage distilled spirits, malt beverage, and wine industries; and interact with Federal, State, and local governmental agencies in the resolution of problems relating to revenue protection and other areas of joint jurisdictional concern.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system of records include:

(1) Individuals who file tax returns or submit return information to TTB regarding Federal excise taxes on alcohol, tobacco, firearms, and ammunition or tobacco industry-related special occupational taxes; and

(2) Individuals who have filed permit applications with or who have been issued permits by TTB; who have filed notices or registrations with TTB; and/or who are in certain positions of management or control of such regulated businesses, or have specified levels of ownership interest in such regulated businesses.

These individuals include alcohol and tobacco permittees, registrants, or notice holders; alcohol, tobacco, and firearms and ammunition excise taxpayers; special occupational taxpayers; claimants for refund, abatement, credit, allowance, or drawback of excise or special occupational taxes; and those filing offers in compromise.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records containing investigative material compiled to meet TTB's responsibilities under the Internal Revenue Code of 1986 and the Federal Alcohol Administration Act, which may consist of the following:

- Names of individuals;
- Dates of birth;
- Social Security Numbers (SSN) (if collected);
- Telephone numbers;
- Email addresses;
- Mailing, home, and business premises addresses;
- Employer Identification Numbers (EIN);
- Abstracts of offers in compromise;
- Administrative law judge decisions;
- Assessment records including notices of proposed assessments, notices of shortages or losses, copies of notices from the Internal Revenue Service to assess taxes, and recommendations for assessments;
- Audit and investigation reports;
- Chief Counsel opinions and memoranda;

- Claim records including claims, letters of claim rejection, sample reports, supporting data, and vouchers and schedules of payment;
- Correspondence concerning records in this system and related matters;
- Demands for payment of excise tax liabilities;
- Financial statements;
- Letters of warning;
- Lists of permittees and licensees;
- Lists of officers, directors, and principal stockholders;
- Mailing lists;
- Notices of delinquent reports;
- Offers in compromise;
- Operational records, such as operating and inventory reports, and transaction records and reports;
- Orders of revocation, suspension, or annulment of permits, notices, registrations or licenses;
- Permits and permit histories;
- Reports of violations;
- Qualifying records including access authorizations, advertisement records, applications, business histories, criminal records, educational histories, employment histories, financial data, formula approvals, licenses, notices, permits, personal references, registrations, sample reports, special permissions and authorizations, and statements of process;
- Show cause orders; and
- Tax records relating to periodic payment and prepayment of taxes, tax returns, and notices of tax discrepancy or adjustment.

RECORD SOURCE CATEGORIES:

This system of records has been determined to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I) requiring the record source categories be reported.

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 the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To a Federal, State, local, or foreign agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information necessary or relevant to the requesting agency's official functions; including for the purpose of enforcing administrative, civil, or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(2) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) To a Congressional office from the record of an individual in response to an inquiry from that Congressional office made pursuant to a written Privacy Act waiver at the request of the individual to who the record pertains;

(4) To the National Archives and Records Administration (or the Archivist's designee) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and persons when: (1) The Department of the Treasury and/or TTB suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TTB has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TTB (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TTB's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury and/or TTB determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To third parties when such disclosure is required by statute or Executive Order;

(8) To third parties to the extent necessary to collect or verify information pertinent to TTB's decision to grant, deny, or revoke a license or permit; to initiate or complete an investigation of violations or alleged violations of laws and regulations administered by TTB;

(9) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(10) To International Criminal Police Organization (INTERPOL) and similar national and international intelligence gathering organizations for the purpose of identifying international and national criminals involved in consumer fraud, revenue evasion, crimes, or persons involved in terrorist activities;

(11) To foreign governments in accordance with formal or informal international agreements;

(12) To appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of criminal law or regulation;

(13) To third parties for a purpose consistent with any permissible disclosure of returns or return information under the IRC, as amended;

(14) To a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to Department of the Treasury officers and employees under the Privacy Act;

(15) To the Department of Justice when seeking legal advice or when (a) the Department of the Treasury or (b) the disclosing agency, or (c) any employee of the disclosing agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the disclosing agency determines that litigation is likely to affect the disclosing agency, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation; and

(16) To the news media to provide information in accordance with guidelines contained in 28 CFR 50.2 that relate to an agency's functions relating to civil and criminal proceedings.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

TTB maintains records in this system in a secure computer system that require the use of a personal identity verification (PIV) card and multi-digit personal identification number (PIN) to access, or on paper in secure facilities with controlled access.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, by permit or license number, by document locator number, or by Employer Identification Number (EIN).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

TTB retains and disposes of records in the system in accordance with records disposition schedule DAA–0564–2013–0003, approved by the National Archives and Records Administration (NARA) for TTB.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

TTB safeguards records in this system in accordance with applicable rules and policies, including all applicable Treasury automated systems security and access policies. TTB has imposed strict controls to minimize the risk of compromising the information that is being stored. Records stored on electronic media are protected by controlled access and are encrypted at rest in the system and when transmitted. 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.

RECORD ACCESS PROCEDURES:

This system of records has been determined to be exempt from compliance with the access provisions of 5 U.S.C. 552a(e)(4)(H). Also see ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

This system of records has been determined to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H) allowing an individual to contest the contents of records. Also see ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

The Secretary of Treasury has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, Treasury and TTB will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, Appendices A–N. Requests for information and specific guidance on where to send requests for records may be addressed to: Assistant Administrator, Permitting and Taxation, Alcohol and Tobacco Tax and Trade Bureau, 550 Main Street, Suite 8002, Cincinnati, OH 45202.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in § 1.26 of 31 CFR part 1. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you should provide the following:

- An explanation of why you believe the Department would have information on you;
- Identify which bureau(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the Bureau or FOIA staff determine which Treasury Bureau may have responsive records; and
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information, the Bureau(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of the Treasury has designated this system as exempt from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2): 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). See 31 CFR 1.36 as amended by the final rule published by the Department of the Treasury in the **Federal Register** on May 15, 2012 (77 FR 28470).

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on January 28, 2015, (80 FR 4637) as Treasury/TTB .001 Regulatory Enforcement Record System.

[FR Doc. 2021–02691 Filed 2–9–21; 8:45 am]

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