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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

[Doc. No. AMS–SC–20–0084; SC21–945–1 CR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible producers of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, to determine whether they favor continuance of the marketing order regulating the handling of Irish potatoes grown in the production area.

DATES: The referendum will be conducted from April 12 to April 30, 2021. To vote in this referendum, producers must have produced Irish potatoes for the fresh market within the designated production area in Idaho, and Malheur County, Oregon, during the period August 1, 2019, through July 31, 2020.

ADDRESSES: Copies of the marketing order may be obtained from the office of the referendum agents at 1220 SW 3rd Avenue, Suite 305, Portland, OR 97204; Telephone: (503) 326–2724; or the Office of the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491; or on the internet *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Gregory A. Breasher or Gary D. Olson, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1220 SW 3rd Avenue, Suite 305, Portland, OR 97204; Telephone: (503) 326–2724, or Email: *Gregory.Breasher@usda.gov* or *GaryD.Olson@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Agreement and Order No. 945, as amended (7 CFR part 945), hereinafter referred to as the ''Order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by the producers. The referendum shall be conducted from April 12 to April 30, 2021, among eligible Irish potato producers in the production area. Only producers that were engaged in the production of Irish potatoes for the fresh market in Idaho, and Malheur County, Oregon, during the period of August 1, 2019, through July 31, 2020, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether producers favor continuation of marketing order programs. The Order will continue in effect if at least two-thirds of producers voting in the referendum, or producers of at least two-thirds of the volume of Irish potatoes represented in the referendum, favor continuance. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information concerning the operation of the Order and the relative benefits and disadvantages to producers, handlers, and consumers in order to determine whether continued operation of the Order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballots used in the referendum have been approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0178—Vegetable and Specialty Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 450 producers of Irish potatoes grown in Idaho, and Malheur County, Oregon, to cast a ballot. Participation is voluntary. Ballots postmarked after April 30, 2021, will not be included in the vote tabulation.

Gregory A. Breasher and Gary D. Olson of the Northwest Marketing Field Office, Specialty Crops Program, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400–900.407).

Ballots will be mailed to all producers of record and may also be obtained from the referendum agents, or from their appointees.

List of Subjects in 7 CFR Part 945

Potatoes, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Bruce Summers,
Administrator, Agricultural Marketing Service.

[FR Doc. 2021–02823 Filed 2–11–21; 8:45 am]
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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket No. OCC–2020–0005]

RIN 1557–AE80

Role of Supervisory Guidance

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Final rule.

SUMMARY: The OCC is adopting a final rule that codifies the Interagency Statement Clarifying the Role of Supervisory Guidance, issued by the OCC, Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA), and Bureau of Consumer Financial Protection (Bureau) (collectively, the agencies) on September 11, 2018 (2018 Statement). By codifying the 2018

Statement, with amendments, the final rule confirms that the OCC will continue to follow and respect the limits of administrative law in carrying out its supervisory responsibilities. The 2018 Statement reiterated well-established law by stating that, unlike a law or regulation, supervisory guidance does not have the force and effect of law. As such, supervisory guidance does not create binding legal obligations for the public. Because it is incorporated into the final rule, the 2018 Statement, as amended, is binding on the OCC. The final rule adopts the rule as proposed without substantive change.

DATES: This final rule is effective on March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Mitchell Plave, Special Counsel, (202) 649–5490; or Henry Barkhausen, Counsel, Chief Counsel's Office (202) 649–5490; or Steven Key, Associate Deputy Comptroller for Bank Supervision Policy, (202) 649–6770, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

I. Background

The OCC recognizes the important distinction between issuances that serve to implement acts of Congress (known as ''regulations'' or legislative rules'') and non-binding supervisory guidance documents.[1] Regulations create binding legal obligations. Supervisory guidance is issued by an agency to ''advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power'' and does not create binding legal obligations.[2]

In recognition of the important distinction between rules and guidance, on September 11, 2018, the agencies issued the Interagency Statement Clarifying the Role of Supervisory Guidance (2018 Statement) to explain the role of supervisory guidance and describe the agencies' approach to supervisory guidance.[3] As noted in the 2018 Statement, the agencies issue various types of supervisory guidance to their respective supervised institutions, including, but not limited to, interagency statements, advisories, bulletins, policy statements, questions and answers, and frequently asked questions. Supervisory guidance outlines the agencies' supervisory expectations or priorities and articulates the agencies' general views regarding practices for a given subject area. Supervisory guidance often provides examples of practices that mitigate risks, or that the agencies generally consider to be consistent with safety-and-soundness standards or other applicable laws and regulations, including those designed to protect consumers.[4] The agencies noted in the 2018 Statement that supervised institutions at times request supervisory guidance and that guidance is important to provide clarity to these institutions, as well as supervisory staff, in a transparent way that helps to ensure consistency in the supervisory approach.[5]

The 2018 Statement restated existing law and reaffirmed the agencies' understanding that supervisory guidance does not create binding, enforceable legal obligations. The 2018 Statement reaffirmed that the agencies do not issue supervisory criticisms for ''violations'' of supervisory guidance and described the appropriate use of supervisory guidance by the agencies. In the 2018 Statement, the agencies also expressed their intention to (1) limit the use of numerical thresholds in guidance; (2) reduce the issuance of multiple supervisory guidance documents on the same topic; (3) continue efforts to make the role of supervisory guidance clear in communications to examiners and supervised institutions; and (4) encourage supervised institutions to discuss their concerns about supervisory guidance with their agency contact.

On November 5, 2018, the OCC, Board, FDIC, and Bureau each received a petition for a rulemaking (Petition), as permitted under the Administrative Procedure Act (APA),[6] requesting that the agencies codify the 2018 Statement.[7] The Petition argued that a rule on guidance is necessary to bind future agency leadership and staff to the 2018 Statement's terms. The Petition also suggested there are ambiguities in the 2018 Statement concerning how supervisory guidance is used in connection with matters requiring attention, matters requiring immediate attention (collectively, MRAs), as well as in connection with other supervisory actions that should be clarified through a rulemaking. Finally, the Petition called for the rulemaking to implement changes in the agencies' standards for issuing MRAs. Specifically, the Petition requested that the agencies limit the role of MRAs to addressing circumstances in which there is a violation of a statute, regulation, or order, or demonstrably unsafe or unsound practices.

II. The Proposed Rule and Comments Received

On November 5, 2020, the agencies issued a proposed rule (Proposed Rule or Proposal) that would have codified the 2018 Statement, with clarifying changes, as an appendix to proposed rule text.[8] The Proposed Rule would have superseded the 2018 Statement. The rule text would have provided that an amended version of the 2018 Statement is binding on each respective agency.

Clarification of the 2018 Statement

The Petition expressed support for the 2018 Statement and acknowledged that it addresses many issues of concern for the Petitioners relating to the use of supervisory guidance. The Petition expressed concern, however, that the 2018 Statement's reference to not basing ''criticisms'' on violations of supervisory guidance has led to confusion about whether MRAs are covered by the 2018 Statement.

[1] Regulations are commonly referred to as legislative rules because regulations have the ''force and effect of law.'' *Perez* v. *Mortgage Bankers Association,* 575 U.S. 92, 96 (2015) (citations omitted).

[2] *See Chrysler* v. *Brown,* 441 U.S. 281, 302 (1979) (quoting the Attorney General's Manual on the Administrative Procedure Act at 30 n.3 (1947) (Attorney General's Manual) and discussing the distinctions between regulations and general statements of policy, of which supervisory guidance is one form).

[3] *See https://www.occ.gov/news-issuances/news-releases/2018/nr-ia-2018-97a.pdf.*

[4] While supervisory guidance offers guidance to the public on the OCC's approach to supervision under statutes and regulations and safe and sound practices, the issuance of guidance is discretionary and is not a prerequisite to the OCC's exercise of its statutory and regulatory authorities. This point reflects the fact that statutes and legislative rules, not statements of policy, set legal requirements.

[5] The Administrative Conference of the United States (ACUS) has recognized the important role of guidance documents and has stated that guidance can ''make agency decision-making more predictable and uniform and shield regulated parties from unequal treatment, unnecessary costs, and unnecessary risk, while promoting compliance with the law.'' ACUS, Recommendation 2017–5, *Agency Guidance Through Policy Statements* at 2 (adopted December 14, 2017), *available at https://www.acus.gov/recommendation/agency-guidance-through-policy-statements.* ACUS also suggests that ''policy statements are generally better [than legislative rules] for dealing with conditions of uncertainty and often for making agency policy accessible.'' *Id.* ACUS's reference to ''policy statements'' refers to the statutory text of the APA, which provides that notice and comment is not required for ''general statements of policy.'' The phrase ''general statements of policy'' has commonly been viewed by courts, agencies, and administrative law commentators as including a wide range of agency issuances, including guidance documents.

[6] 5 U.S.C. 553(e).

[7] *See* Petition for Rulemaking on the Role of Supervisory Guidance, *available at https://bpi.com/wp-content/uploads/2018/11/BPI_PFR_on_Role_of_Supervisory_Guidance_Federal_Reserve.pdf.* The Petitioners did not submit a petition to the NCUA, which has no supervisory authority over the financial institutions that are represented by Petitioners. The NCUA chose to join the Proposed Rule on its own initiative.

[8] 85 FR 70512 (November 5, 2020).

Accordingly, the agencies proposed to clarify in the Proposed Rule that the term ''criticize'' includes the issuance of MRAs and other supervisory criticisms, including those communicated through matters requiring board attention, documents of resolution, and supervisory recommendations (collectively, supervisory criticisms).[9] As such, the agencies reiterated that examiners will not base supervisory criticisms on a ''violation'' of or ''non-compliance with'' supervisory guidance.[10] The agencies noted that, in some situations, examiners may reference (including in writing) supervisory guidance to provide examples of safe and sound conduct, appropriate consumer protection and risk management practices, and other actions for addressing compliance with laws or regulations. The agencies also reiterated that they will not issue an enforcement action on the basis of a ''violation'' of or ''non-compliance'' with supervisory guidance. The Proposed Rule reflected these clarifications.[11]

The Petition requested further that these supervisory criticisms should not include ''generic'' or ''conclusory'' references to safety and soundness. The agencies agreed that supervisory criticisms should continue to be specific as to practices, operations, financial conditions, or other matters that could have a negative effect on the safety and soundness of the financial institution, could cause consumer harm, or could cause violations of laws, regulations, final agency orders, or other legally enforceable conditions. Accordingly, the agencies included language reflecting this practice in the Proposed Rule.

The Petition also suggested that MRAs, as well as memoranda of understanding, examination downgrades, and any other formal examination mandate or sanction, should be based only on a violation of a statute, regulation, or order, including a ''demonstrably unsafe or unsound practice.''[12] As noted in the Proposed Rule, examiners all take steps to identify deficient practices before they rise to violations of law or regulation or before they constitute unsafe or unsound banking practices. The agencies stated that they continue to believe that early identification of deficient practices serves the interest of the public and of supervised institutions. Early identification protects the safety and soundness of banks, promotes consumer protection, and reduces the costs and risk of deterioration of financial condition from deficient practices resulting in violations of laws or regulations, unsafe or unsound conditions, or unsafe or unsound banking practices. The Proposed Rule also noted that the agencies have different supervisory processes, including for issuing supervisory criticisms. For these reasons, the agencies did not propose revisions to their respective supervisory practices relating to supervisory criticisms.

The agencies also noted that the 2018 Statement was intended to focus on the appropriate use of supervisory guidance in the supervisory process, rather than the standards for supervisory criticisms. To address any confusion concerning the scope of the 2018 Statement, the Proposed Rule removed two sentences from the 2018 Statement concerning grounds for ''citations'' and the handling of deficiencies that do not constitute violations of law.[13]

Comments on the Proposed Rule

A. Overview

The five agencies received approximately 30 unique comments concerning the Proposed Rule.[14] The OCC discusses below those comments that are potentially relevant to the OCC.[15] Commenters representing trade associations for banking institutions and other businesses, state bankers' associations, individual financial institutions, and one member of Congress expressed general support for the Proposed Rule. These commenters supported codification of the 2018 Statement and the reiteration by the agencies that guidance does not have the force of law and cannot give rise to binding, enforceable legal obligations. One of these commenters stated that the Proposal would serve the interests of consumers and competition by clarifying the law for institutions and potentially removing ambiguities that could deter the development of innovative products that serve consumers and business clients, without uncertainty regarding potential regulatory consequences. These commenters expressed strong support as well for the clarification in the Proposed Rule that the agencies will not criticize, including through the issuance of ''matters requiring attention,'' a supervised financial institution for a ''violation'' of, or ''non-compliance'' with, supervisory guidance.

One commenter agreed with the agencies that supervisory criticisms should not be limited to violation of statutes, regulations, or orders, including a ''demonstrable unsafe or unsound practice'' and that supervisory guidance remains a beneficial tool to communicate supervisory expectations

[9] The agencies use different terms to refer to supervisory actions that are similar to MRAs and Matters Requiring Immediate Attention (MRIAs), including matters requiring board attention (MRBAs), documents of resolution, and supervisory recommendations.

[10] For the sake of clarification, one source of law among many that can serve as a basis for a supervisory criticism is the *Interagency Guidelines Establishing Standards for Safety and Soundness, see* 12 CFR part 30, appendix A, 12 CFR part. 208, appendix D–1, and 12 CFR part 364, appendix A. These Interagency Guidelines were issued using notice and comment and pursuant to express statutory authority in 12 U.S.C. 1831p–1(d)(1) to adopt safety and soundness standards either by ''regulation or guideline.''

[11] The 2018 Statement contains the following sentence:

Examiners will not criticize a supervised financial institution for a ''violation'' of supervisory guidance.

2018 Statement at 2. As revised in the Proposed Rule, this sentence read as follows:

Examiners will not criticize *(including through the issuance of matters requiring attention, matters requiring immediate attention, matters requiring board attention, documents of resolution, and supervisory recommendations*) a supervised financial institution for, and agencies will not issue an enforcement action on the basis of, a ''violation'' of or ''non-compliance'' with supervisory guidance.

Proposed Rule (emphasis added). As discussed *infra* in footnote 13, the Proposed Rule also removed the sentences in the 2018 Statement that referred to ''citation,'' which the Petition suggested had been confusing. These sentences were also removed to clarify that the focus of the Proposed Rule related to the use of guidance, not the standards for MRAs.

[12] The Petition asserted that the federal banking agencies rely on 12 U.S.C. 1818(b)(1) when issuing MRAs based on safety-and-soundness matters. Through statutory examination and reporting authorities, Congress has conferred upon the agencies the authority to exercise visitorial powers with respect to supervised institutions. The Supreme Court has indicated support for a broad reading of the agencies' visitorial powers. *See, e.g., Cuomo* v. *Clearing House Assn L.L.C.,* 557 U.S. 519 (2009); *United States* v. *Gaubert,* 499 U.S. 315 (1991); and *United States* v. *Philadelphia Nat. Bank,* 374 U.S. 321 (1963). The visitorial powers facilitate early identification of supervisory concerns that may not rise to a violation of law, unsafe or unsound banking practice, or breach of fiduciary duty under 12 U.S.C. 1818.

[13] The following sentences from the 2018 Statement were not present in the Proposed Rule:

Rather, any citations will be for violations of law, regulation, or non-compliance with enforcement orders or other enforceable conditions. During examinations and other supervisory activities, examiners may identify unsafe or unsound practices or other deficiencies in risk management, including compliance risk management, or other areas that do not constitute violations of law or regulation.

2018 Statement at 2. The agencies did not intend these deletions to indicate a change in supervisory policy.

[14] Of the comments received, some comments were not submitted to all agencies, and some comments were identical. Note that this total excludes comments that were directed at an unrelated rulemaking by the Financial Crimes Enforcement Network of the Department of the Treasury (FinCEN).

[15] This final rule does not specifically discuss those comments that are only potentially relevant to other agencies.

to the industry. The commenter stated that the proactive identification of supervisory criticism or deficiencies that do not constitute violations of law facilitates forward-looking supervision, which helps address problems before they warrant a formal enforcement action. The commenter noted as well that supervisory guidance provides important insight to the industry and ensures consistency in the supervisory approach and that supervised institutions frequently request supervisory guidance. The commenter observed that the COVID–19 pandemic has amplified the requests for supervisory guidance and interpretation and that it is apparent institutions want clarity and guidance from regulators.

Two commenters, both public interest advocacy groups, opposed the proposed rule, suggesting that codifying the 2018 Statement may undermine the important role that supervisory guidance can play by informing supervisory criticism, rather than merely clarifying that it will not serve as the basis for enforcement actions. One commenter stated that it is essential for agencies to have the prophylactic authority to base criticisms on imprudent bank practices that may not yet have ripened into violations of law or significant safety and soundness concerns. The commenter stated that this is particularly important with respect to large banks, where delay in addressing concerns could lead to a broader crisis. One commenter stated that the agencies have not explained the benefits that would result from the rule or demonstrated how the rule will promote safety and soundness or consumer protection. The commenter argued that supervision is different from other forms of regulation and requires supervisory discretion, which could be constrained by the rule. One of these commenters argued that the Proposal would send a signal that banking institutions have wider discretion to ignore supervisory guidance.

B. Scope of Rule

Several industry commenters requested that the Proposed Rule cover interpretive rules and clarify that interpretive rules do not have the force and effect of law. One commenter stated that the agencies should clarify whether they believe that interpretive rules can be binding. The commenter argued that, under established legal principles, interpretive rules can be binding on the agency that issues them, but not on the public. Some commenters suggested that the agencies follow ACUS recommendations for issuing interpretive rules and that the agencies should clarify when particular guidance documents are (or are not) interpretive rules and allow the public to petition to change an interpretation. A number of commenters requested that the agencies expand the statement to address the standards that apply to MRAs and other supervisory criticisms, a suggestion made in the Petition.

C. Role of Guidance Documents

Several commenters recommended that the agencies clarify that the practices described in supervisory guidance are merely examples of conduct that may be consistent with statutory and regulatory compliance, not expectations that may form the basis for supervisory criticism. One commenter suggested that the agencies state that when agencies offer examples of safe and sound conduct, compliance with consumer protection standards, appropriate risk management practices, or acceptable practices through supervisory guidance or interpretive rules, the agencies will treat adherence to practices outlined in that supervisory guidance or interpretive rule as a safe harbor from supervisory criticism. One commenter also requested that the agencies make clear that guidance that goes through public comment, as well as any examples used in guidance, is not binding. The commenter also requested that the agencies affirm that they will apply statutory factors while processing applications.

One commenter argued that guidance provides valuable information to supervisors about how their discretion should be exercised and therefore plays an important role in supervision. As an example, according to this commenter, 12 U.S.C. 1831p–1 and 12 U.S.C. 1818 recognize the discretionary power conferred on the Federal banking agencies,[16] which is separate from the power to issue regulations. The commenter noted that, pursuant to these statutes, regulators may issue cease and desist orders based on reasonable cause to believe that an institution has engaged, is engaging, or is about to engage in an unsafe and unsound practice, separately and apart from whether the institution has technically violated a law or regulation. The commenter added that Congress entrusted the Federal banking agencies with the power to determine whether practices are unsafe and unsound and attempt to halt such practices through supervision, even if a specific case may not constitute a violation of a written law or regulation.

D. Supervisory Criticisms

Several commenters addressed supervisory criticisms and how they relate to guidance. These commenters suggested that supervisory criticisms should be specific as to practices, operations, financial conditions, or other matters that could have a negative effect. These commenters also suggested that MRAs, memoranda of understanding, and any other formal written mandates or sanctions should be based only on a violation of a statute or regulation. Similarly, these commenters argued that there should be no references to guidance in written formal actions and that banking institutions should be reassured that they will not be criticized or cited for a violation of guidance when no law or regulation is cited. One commenter suggested that it would instead be appropriate to discuss supervisory guidance privately, rather than publicly, potentially during the pre-exam meetings or during examination exit meetings. Another commenter suggested that, while referencing guidance in supervisory criticism may be useful at times, agencies should provide safeguards to prevent such references from becoming the de facto basis for supervisory criticisms. One commenter stated that examiners also should not criticize community banks in their final written examination reports for not complying with ''best practices'' unless the criticism involves a violation of bank policy or regulation. The commenter added that industry best practices should be transparent enough and sufficiently known throughout the industry before being cited in an examination report. One commenter requested that examiners should not apply large bank practices to community banks that have a different, less complex, and more conservative business model. One commenter asserted that MRAs should not be based on ''reputational risk,'' but rather on the underlying conduct giving rise to concerns and asked the agencies to address this in the final rule.

Commenters that opposed the Proposal did not support restricting supervisory criticism or sanctions to explicit violations of law or regulation. One commenter expressed concern that requiring supervisors to wait for an explicit violation of law before issuing criticism would effectively erase the line between supervision and enforcement. According to the commenter, it would eliminate the space for supervision as an intermediate

[16] The Federal banking agencies are the OCC, Board, and FDIC. 12 U.S.C. 1813.

practice of oversight and cooperative problem-solving between banks and the regulators who support and manage the banking system and would also clearly violate the intent of the law in 12 U.S.C. 1818(b). One commenter emphasized the importance of bank supervisors basing their criticisms on imprudent bank practices that may not yet have ripened into violations of laws or rules but could undermine safety and soundness or pose harm to consumers if left unaddressed.

One commenter argued that the agencies should state clearly that guidance can and will be used by supervisors to inform their assessments of banks' practices and that it may be cited as, and serve as the basis for, criticisms. According to the commenter, even under the legal principles described in the Proposal, it is permissible for guidance to be used as a set of standards that may inform a criticism, provided that application of the guidance is used for corrective purposes, if not to support an enforcement action.

According to one commenter, the Proposal makes fine conceptual distinctions between, for example, issuing supervisory criticisms ''on the basis of'' guidance and issuing supervisory criticisms that make ''reference'' to supervisory guidance. The commenter suggested that is a distinction that it may be difficult for ''human beings to parse in practice.'' According to the commenter, a rule that makes such a distinction is likely to have a chilling effect on supervisors attempting to implement policy in the field. According to another commenter, the language allowing examiners to reference supervisory guidance to provide examples is too vague and threatens to marginalize the role of guidance and significantly reduce its usefulness in the process of issuing criticisms designed to correct deficient bank practices.

E. Legal Authority and Visitorial Powers

One commenter questioned the Federal banking agencies' reference in the Proposal to visitorial powers as an additional authority for early identification of supervisory concerns that may not rise to a violation of law, unsafe or unsound banking practice, or breach of fiduciary duty under 12 U.S.C. 1818.

F. Issuance and Management of Supervisory Guidance

Several commenters made suggestions about how the agencies should issue and manage supervisory guidance. Some commenters suggested that the agencies should delineate clearly between regulations and supervisory guidance. Commenters encouraged the agencies to regularly review, update, and potentially rescind outstanding guidance. One commenter suggested that the agencies rescind outstanding guidance that functions as rule but has not gone through notice and comment. One commenter suggested that the agencies memorialize their intent to revisit and potentially rescind existing guidance, as well as limit multiple guidance documents on the same topic. Commenters suggested that supervisory guidance should be easy to find, readily available, online, and in a format that is user-friendly and searchable.

One commenter encouraged the agencies to issue principles-based guidance that avoids the kind of granularity that could be misconstrued as binding expectations. According to this commenter, the agencies can issue separate frequently asked questions with more detailed information, but should clearly identify these as non-binding illustrations. This commenter also encouraged the agencies to publish proposed guidance for comment when circumstances allow. Another commenter requested that the agencies issue all ''rules'' as defined by the APA through the notice-and-comment process. One commenter expressed concern that the agencies will aim to reduce the issuance of multiple supervisory guidance documents and will thereby reduce the availability of guidance in circumstances where guidance would be valuable.

Responses to Comments

As stated in the Proposed Rule, the 2018 Statement was intended to focus on the appropriate use of supervisory guidance in the supervisory process, rather than the standards for supervisory criticisms. The standards for issuing MRAs and other supervisory actions were, therefore, outside the scope of this rulemaking. For this reason, and for reasons discussed earlier, the final rule does not address the standards for MRAs or other supervisory actions. Similarly, because the OCC is not addressing its approach to supervisory criticism in the final rule, including any criticism related to reputation risk, the final rule does not address supervisory criticisms relating to ''reputation risk.''

With respect to the comments on coverage of interpretive rules, the OCC agrees with the commenter that interpretive rules do not, alone, ''have the force and effect of law'' and must be rooted in, and derived from, a statute or regulation.[17] While interpretive rules and supervisory guidance are similar in lacking the force and effect of law, interpretive rules and supervisory guidance are distinct under the APA and its jurisprudence and are generally issued for different purposes.[18] Interpretive rules are typically issued by an agency to advise the public of the agency's construction of the statutes and rules that it administers,[19] whereas general statements of policy, such as supervisory guidance, advise the public of how an agency intends to exercise its discretionary powers.[20] To this end, guidance generally reflects an agency's policy views, for example, on safe and sound risk management practices. On the other hand, interpretive rules generally resolve ambiguities regarding requirements imposed by statutes and regulations. Because supervisory guidance and interpretive rules have different characteristics and serve different purposes, the OCC has decided that the final rule will continue to cover supervisory guidance only.

With respect to the question of whether to adopt ACUS's procedures for allowing the public to request reconsideration or revision of an interpretive rule, this rulemaking, again, does not address interpretive rules. As such, the OCC is not adding procedures for challenges to interpretive rules through this rulemaking.

[17] *See Mortgage Bankers Association,* 575 U.S. at 96.

[18] Questions concerning the legal and supervisory nature of interpretive rules are case-specific and have engendered debate among courts and administrative law commentators. The OCC takes no position in this rulemaking on those specific debates. *See, e.g.,* R. Levin, *Rulemaking and the Guidance Exemption,* 70 Admin. L. Rev. 263 (2018) (discussing the doctrinal differences concerning the status of interpretive rules under the APA); *see also* Nicholas R. Parillo, *Federal Agency Guidance and the Powder to Bind: An Empirical Study of Agencies and Industries,* 36 Yale J. Reg 165, 168 n.6 (2019) (''[w]hether interpretive rules are supposed to be nonbinding is a question subject to much confusion that is not fully settled''); *see also* ACUS, Recommendation 2019–1, *Agency Guidance Through Interpretive Rules* (Adopted June 13, 2019), *available at https://www.acus.gov/recommendation/agency-guidance-through-interpretive-rules* (noting that courts and commentators have different views on whether interpretive rules bind an agency and effectively bind the public through the deference given to agencies' interpretations of their own rules under *Auer* v. *Robbins,* 519 U.S. 452 (1997)).

[19] *Mortgage Bankers Association,* 575 U.S. at 97 (*citing Shalala* v. *Guernsey Memorial Hospital,* 514 U.S. 87, 99 (1995)); *accord* Attorney General's Manual at 30 n.3.

[20] *See Chrysler* v. *Brown,* 441 U.S. at 302 n.31 (quoting Attorney General's Manual at 30 n.3); *see also, e.g., American Mining Congress* v. *Mine Safety & Health Administration,* 995 F.2d 1106, 1112 (D.C. Cir. 1993) (outlining tests in the D.C. Circuit for assessing whether an agency issuance is an interpretive rule).

In response to the comment that the agencies should treat examples in guidance as ''safe harbors'' from supervisory criticism, the OCC agrees that examples offered in supervisory guidance can provide insight about practices that, in general, may lead to safe and sound operation and compliance with regulations and statutes. The examples in guidance, however, are generalized. When an institution implements examples, examiners must consider the facts and circumstances of that institution in assessing the application of those examples. In addition, the underlying legal principle of supervisory guidance is that it does not create binding legal obligation for either the public or an agency. As such, the OCC does not deem examples used in supervisory guidance to categorically establish safe harbors from supervisory criticism.

In response to the comments that the Proposal may undermine the important role that supervisory guidance can play in informing supervisory criticism and serving to address conditions before those conditions lead to enforcement actions, the OCC agrees that the appropriate use of supervisory guidance generates a more collaborative and constructive regulatory process that supports the safety and soundness and compliance of institutions, thereby diminishing the need for enforcement actions. As noted by ACUS, guidance can make agency decision-making more predictable and uniform and shield regulated parties from unequal treatment, unnecessary costs, and unnecessary risk, while promoting compliance with the law. The OCC does not view the final rule as weakening the role of guidance in the supervisory process and the OCC will continue to use guidance in a robust way to support the safety and soundness of banks and promote compliance with consumer protection laws and regulations.

Further, the OCC does not agree with one commenter's assertion that the Proposal made an unclear distinction between, on the one hand, inappropriate supervisory criticism for a ''violation'' of or ''non-compliance'' with supervisory guidance, and, on the other hand, OCC examiners' appropriate use of supervisory guidance to reference examples of safe and sound conduct, appropriate consumer protection and risk management practices, and other actions for addressing compliance with laws or regulations. This approach appropriately implements the principle that institutions are not required to follow supervisory guidance in itself but may find such guidance useful. The OCC disagrees with the commenter that institutions and examiners are incapable of understanding this important distinction.

With respect to the comment that visitorial powers do not provide the Federal banking agencies with authority to issue MRAs or other supervisory criticisms, the OCC disagrees. The OCC's visitorial powers are well-established. The Supreme Court's decision in *Cuomo* v. *Clearing House Assn L.L.C.* explained that the visitation included the ''exercise of supervisory power.'' [21] The Court ruled that the ''power to enforce the law exists separate and apart from the power of visitation.'' [22] While the *Cuomo* decision involved the question of which powers may be exercised by state governments (and ruled that states could exercise law enforcement powers, but could not exercise visitorial powers), the decision did not dispute that the Federal banking agencies possess both these powers. The Court in *Cuomo* explained that visitorial powers entailed ''oversight and supervision,'' while the Court's earlier decision in *Watters* v. *Wachovia Bank, N.A.* explained that visitorial powers entailed ''general supervision and control.'' [23] Accordingly, visitorial powers include the power to issue supervisory criticisms independent of the agencies' authority to enforce applicable laws or ensure safety and soundness. For these reasons, the OCC reaffirms the statement in the preamble to the Proposed Rule that such visitorial powers have been conferred through statutory examination and reporting authorities, which facilitate the OCC's identification of supervisory concerns that may not rise to a violation of law, unsafe or unsound practice, or breach of fiduciary duty under 12 U.S.C. 1818. These statutory examination and reporting authorities pre-existed 12 U.S.C. 1818, which neither superseded nor replaced such authorities. The OCC has been vested with statutory examination and reporting authorities with respect to banks under its supervision.[24]

In response to the comments regarding the role of public comment for supervisory guidance, the OCC notes that it has made clear through the 2018 Statement and in this final rule that supervisory guidance (including guidance that goes through public comment) does not create binding, enforceable legal obligations. Rather, the OCC in some instances issues supervisory guidance for comment in order to improve its understanding of an issue, gather information, or seek ways to achieve a supervisory objective most effectively. Similarly, examples that are included in supervisory guidance (including guidance that goes through public comment) are not binding on institutions. Rather, these examples are intended to be illustrative of ways a supervised institution may implement safe and sound practices, appropriate consumer protection, prudent risk management, or other actions in furtherance of compliance with laws or regulations. Relatedly, the OCC does not agree with one comment that it should use notice and comment procedures, without exception, to issue all ''rules'' as defined by the APA, which would include supervisory guidance. Congress has established longstanding exceptions in the APA from the notice and comment process for certain rules, including for general statements of policy like supervisory guidance and for interpretive rules. As one court has explained, Congress intended to ''accommodate situations where the policies promoted by public participation in rulemaking are outweighed by the countervailing considerations of effectiveness, efficiency, expedition and reduction in expense.'' [25]

With respect to the commenter's request that the agencies affirm that they will apply statutory factors while processing applications, the OCC affirms that the agency will continue to consider and apply all applicable statutory factors when processing applications.

In response to the question raised by some commenters concerning potential confusion between supervisory guidance and interpretive rules, the OCC notes that interpretive rules are outside the scope of the rulemaking. In addition, as stated earlier, interpretive rules do not, alone, ''have the force and effect of law'' and must be rooted in, and derived from, a statute or regulation. While interpretive rules and supervisory guidance are similar in lacking the force and effect of law,

[21] *Cuomo* v. *Clearing House Assn L.L.C.,* 557 U.S. 519, 536 (2009).

[22] *Id.* at 533.

[23] *Watters* v. *Wachovia Bank, N.A.,* 550 U.S. 1, 127 (2007).

[24] The commenter's reading of the Federal banking agencies' examination and reporting authorities would assert that the Federal banking agencies may examine supervised institutions and require reports, but not make findings based on such examinations and reporting, unless the finding is sufficient to warrant a formal enforcement action under the standard set out in 12 U.S.C. 1818. This reading is inconsistent with the history of federal banking supervision, including as described in the cases cited in the Proposed Rule.

[25] *Am. Hosp. Ass'n* v. *Bowen,* 834 F.2d 1037, 1045 (D.C. Cir. 1987). The specific contours of these exceptions are the subject of an extensive body of case law.

interpretive rules and supervisory guidance are distinct under the APA and its jurisprudence and are generally issued for different purposes. The OCC believes that when it issues an interpretive rule, the fact that it is an interpretive rule is generally clear. In addition, these comments relate to clarity in drafting, rather than a matter that seems suitable for rulemaking.

In response to the two commenters opposing the Proposal, this final rule does not undermine any of the OCC's safety and soundness or other authorities. Indeed, the final rule is designed to support the OCC's ability to supervise banks effectively. In addition, the OCC notes the question of the role of guidance has been one of interest to regulated parties and other stakeholders over the past few years. The Petition and the numerous comments on the Proposal are a sign of this interest. As such, the OCC believes it will serve the public interest to reaffirm the appropriate role of supervisory guidance. There are inherent benefits to the supervisory process whenever institutions and examiners have a clear understanding of their roles, including how supervisory guidance can be used effectively within legal limits. Therefore, the OCC is proceeding with the rule as proposed.

In response to the commenter expressing concern that language in the Statement on reducing multiple supervisory guidance documents on the same topic will limit the OCC's ability to provide valuable guidance, the OCC assures the commenter that this language will not inhibit the OCC from issuing new supervisory guidance when appropriate.

Finally, the OCC appreciates the other comments related to other aspects of guidance or the supervisory process, but the OCC does not believe that they are best addressed in this rulemaking.

III. The Final Rule

For the reasons discussed above, the final rule adopts the Proposed Rule without substantive change. However, the OCC has decided to issue a final rule that is specifically addressed to the OCC and OCC-supervised institutions, rather than the joint version that the five agencies included in their joint Proposal. Although many of the comments were applicable to all of the agencies, some comments were specific to particular agencies or to groups of agencies. Having separate final rules has enabled agencies to better focus on explaining any agency-specific issues to their respective audiences of supervised institutions and agency employees.

IV. Administrative Law Matters

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 [26] (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed this final rule and determined that it does not contain any information collection requirements subject to the PRA. Accordingly, no submissions to OMB will be made with respect to this final rule.

B. Regulatory Flexibility Act

In general, the Regulatory Flexibility Act [27] (RFA) requires that in connection with a rulemaking, an agency prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities. Under section 605(b) of the RFA, this analysis is not required if an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a brief explanatory statement in the **Federal Register** along with its rule.

The OCC currently supervises approximately 782 small entities.[28] Because the final rule will apply to all OCC-supervised depository institutions, the final rule will affect a substantial number of OCC-supervised entities. While the final rule does clarify that the Statement is binding on the OCC, it would not impose any new mandates on the banking industry. As such, the OCC estimates that the costs, if any, associated with the final rule will be negligible. For these reasons, the OCC certifies that the final rule will not have a significant economic impact significant economic impact on a substantial number of small entities.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [29] requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The OCC has sought to present the final rule in a simple and straightforward manner and did not receive any comments on the use of plain language in the Proposed Rule.

D. Unfunded Mandates Reform Act of 1995 Determination

The OCC analyzed the final rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (UMRA).[30] Under this analysis, the OCC considered whether the final rule includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted for inflation). The OCC has determined that the final rule will not impose new mandates on the banking industry. Therefore, the OCC concludes that the final rule will not result in an expenditure of $100 million or more annually by State, local, and Tribal governments, or by the private sector.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[31] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[32] The OCC has determined that the final rule will not impose additional reporting, disclosure, or other requirements on IDIs; therefore, the requirements of the RCDRIA do not apply.

[26] 44 U.S.C. 3501–3521.

[27] 5 U.S.C. 601, *et seq.*

[28] We base our estimate of the number of small entities on the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $600 million and $41.5 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), we count the assets of affiliated financial institutions when determining if we should classify an OCC-supervised institution as a small entity. We use December 31, 2018, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[29] Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

[30] 2 U.S.C. 1532.

[31] 12 U.S.C. 4802(a).

[32] 12 U.S.C. 4802.

F. Congressional Review Act

For purposes of Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule.[33] If a rule is deemed a ''major rule'' by the OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.[34]

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.[35] The OCC has determined that the final rule will not impose new mandates on the banking industry. Therefore, we conclude that the final rule will not result in an expenditure of $100 million or more annually by State, local, and Tribal governments, or by the private sector.

List of Subjects in 12 CFR Part 4

Administrative practice and procedure, Freedom of Information, Individuals with disabilities, Minority businesses, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Women.

Authority and Issuance

For the reasons stated in the Supplementary Information, chapter I of title 12 of the Code of Federal Regulations is amended by the OCC as follows:

PART 4—ORGANIZATION AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM, POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

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

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 1, 93a, 161, 481, 482, 484(a), 1442, 1462a, 1463, 1464 1817(a), 1818, 1820, 1821, 1831m, 1831p–1, 1831o, 1833e, 1867, 1951 *et seq.,* 2601 *et seq.,* 2801 *et seq.,* 2901 *et seq.,* 3101 *et seq.,* 3401 *et seq.,* 5321, 5412, 5414; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 5318(g)(2), 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510; E.O. 12600 (3 CFR, 1987 Comp., p. 235).

■ 2. Subpart F is added to part 4 to read as follows:

Subpart F—Use of Supervisory Guidance

Sec.
4.81 Purpose.
4.82 Implementation of the Statement Clarifying the Role of Supervisory Guidance.
4.83 Rule of construction. Appendix A to Subpart F of Part 4—Statement Clarifying the Role of Supervisory Guidance

§ 4.81 Purpose.

The OCC issues regulations and guidance as part of its supervisory function. This subpart reiterates the distinctions between regulations and guidance, as stated in the Statement Clarifying the Role of Supervisory Guidance (appendix A to this subpart) (Statement).

§ 4.82 Implementation of the Statement Clarifying the Role of Supervisory Guidance.

The Statement describes the official policy of the OCC with respect to the use of supervisory guidance in the supervisory process. The Statement is binding on the OCC.

§ 4.83 Rule of construction.

This subpart does not alter the legal status of guidelines authorized by statute, including but not limited to, 12 U.S.C. 1831p-1, to create binding legal obligations.

Appendix A to Subpart F of Part 4—Statement Clarifying the Role of Supervisory Guidance

Statement Clarifying the Role of Supervisory Guidance

The OCC is issuing this statement to explain the role of supervisory guidance and to describe the OCC's approach to supervisory guidance.

Difference Between Supervisory Guidance and Laws or Regulations

(1) The OCC issues various types of supervisory guidance, including interagency statements, advisories, bulletins, policy statements, questions and answers, and frequently asked questions, to its supervised institutions. A law or regulation has the force and effect of law.[36] Unlike a law or regulation, supervisory guidance does not have the force and effect of law, and the OCC does not take enforcement actions based on supervisory guidance. Rather, supervisory guidance outlines the OCC's supervisory expectations or priorities and articulates the OCC's general views regarding appropriate practices for a given subject area. Supervisory guidance often provides examples of practices that the OCC generally considers consistent with safety-and-soundness standards or other applicable laws and regulations, including those designed to protect consumers. Supervised institutions at times request supervisory guidance, and such guidance is important to provide insight to the industry, as well as supervisory staff, in a transparent way that helps to ensure consistency in the supervisory approach.

Ongoing Efforts To Clarify the Role of Supervisory Guidance

(2) The OCC is clarifying the following policies and practices related to supervisory guidance:

(i) The OCC intends to limit the use of numerical thresholds or other ''bright-lines'' in describing expectations in supervisory guidance. Where numerical thresholds are used, the OCC intends to clarify that the thresholds are exemplary only and not suggestive of requirements. The OCC will continue to use numerical thresholds to tailor, and otherwise make clear, the applicability of supervisory guidance or programs to supervised institutions, and as required by statute.

(ii) Examiners will not criticize (through the issuance of matters requiring attention), a supervised financial institution for, and the OCC will not issue an enforcement action on the basis of, a ''violation'' of or ''non-compliance'' with supervisory guidance. In some situations, examiners may reference (including in writing) supervisory guidance to provide examples of safe and sound conduct, appropriate consumer protection and risk management practices, and other actions for addressing compliance with laws or regulations.

(iii) Supervisory criticisms should continue to be specific as to practices, operations, financial conditions, or other matters that could have a negative effect on the safety and soundness of the financial institution, could cause consumer harm, or could cause violations of laws, regulations, final agency orders, or other legally enforceable conditions.

(iv) The OCC has at times sought, and may continue to seek, public comment on supervisory guidance. Seeking public comment on supervisory guidance does not mean that the guidance is intended to be a regulation or have the force and effect of law. The comment process helps the OCC to improve its understanding of an issue, to gather information on institutions' risk management practices, or to seek ways to achieve a supervisory objective most effectively and with the least burden on institutions.

(v) The OCC will aim to reduce the issuance of multiple supervisory guidance

[33] 5 U.S.C. 801 *et seq.*

[34] 5 U.S.C. 801(a)(3).

[35] 5 U.S.C. 804(2).

[36] Government agencies issue regulations that generally have the force and effect of law. Such regulations generally take effect only after the agency proposes the regulation to the public and responds to comments on the Proposal in a final rulemaking document.

documents on the same topic and will generally limit such multiple issuances going forward.

(vi) The OCC will continue efforts to make the role of supervisory guidance clear in communications to examiners and to supervised financial institutions and encourage supervised institutions with questions about this statement or any applicable supervisory guidance to discuss the questions with their appropriate agency contact.

Blake J. Paulson,

Acting Comptroller of the Currency.

[FR Doc. 2021–01499 Filed 2–11–21; 8:45 am]

BILLING CODE 4810–33–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 217, 225, 238, and 252

RIN 7100–AF95

Amendments to Capital Planning and Stress Testing Requirements for Large Bank Holding Companies, Intermediate Holding Companies and Savings and Loan Holding Companies

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Technical correction.

SUMMARY: This document corrects an error in amendatory instruction 2 affecting Part 217 of the Board's Regulation Q published in the **Federal Register** on February 3, 2021.

DATES: Effective April 5, 2021.

FOR FURTHER INFORMATION CONTACT: Asad Kudiya, Senior Counsel, (202) 475–6358 or Jonah Kind, Counsel, (202) 452–2045. You may also contact any of the named individuals in the final rule document 86 FR 7927 (February 3, 2021).

SUPPLEMENTARY INFORMATION:

Correction

In final rule FR Doc. 2021–02182, published on February 3, 2021, on page 7938, in the third column, make the following corrections to instruction 2, amending § 217.11:

§ 217.11 [Corrected]

■ 1. In instruction 2.b., the text ''Revising the paragraph (c) subject heading and paragraphs (c)(1)(i) and (ii), (c)(1)(iii) introductory text, and (c)(1)(iv) introductory text, (c)(1)(v) introductory text, and (c)(vi) introductory text; and'' is corrected to read ''Revising the paragraph (c) heading and paragraphs (c)(1)(i) and (ii), (c)(1)(iii) introductory text, (c)(1)(iv) introductory text, (c)(1)(v) introductory text, and (c)(1)(vi); and''

■ 2. In instruction 2.c., the text ''Correctly designating the second occurrence of paragraph (c)(1)(v) as paragraph (c)(1)(vii); and'' is corrected to read ''Correctly designating the second occurrence of paragraph (c)(1)(v) as paragraph (c)(1)(vii) and revising it; and''

■ 3. In instruction 2.d., the text ''Revising paragraph (c)(2).'' is corrected to read ''Revising paragraph (c)(2) heading, (c)(2)(i) and (c)(2)(ii) introductory text''.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–02911 Filed 2–11–21; 8:45 am]

BILLING CODE P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1074

[Docket No. CFPB–2020–0033]

RIN 3710–AB02

Role of Supervisory Guidance

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is adopting a final rule that codifies the Interagency Statement Clarifying the Role of Supervisory Guidance, issued by the Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA), and the Bureau (collectively, the agencies) on September 11, 2018 (2018 Statement). By codifying the 2018 Statement, with amendments, the final rule confirms that the Bureau will continue to follow and respect the limits of administrative law in carrying out its supervisory responsibilities. The 2018 Statement reiterated well-established law by stating that, unlike a law or regulation, supervisory guidance does not have the force and effect of law. As such, supervisory guidance does not create binding legal obligations for the public. Because it is incorporated into the final rule, the 2018 Statement, as amended, is binding on the Bureau. The final rule adopts the rule as proposed without substantive change.

DATES: This final rule is effective on March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Bradley Lipton or Christopher Shelton, Senior Counsels, Legal Division, (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau recognizes the important distinction between issuances that serve to implement acts of Congress (known as ''regulations'' or legislative rules'') and non-binding supervisory guidance documents.[1] Regulations create binding legal obligations. Supervisory guidance is issued by an agency to ''advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power'' and does not create binding legal obligations.[2]

In recognition of the important distinction between rules and guidance, on September 11, 2018, the agencies issued the Interagency Statement Clarifying the Role of Supervisory Guidance (2018 Statement) to explain the role of supervisory guidance and describe the agencies' approach to supervisory guidance.[3] As noted in the 2018 Statement, the agencies issue various types of supervisory guidance to their respective supervised institutions, including, but not limited to, interagency statements, advisories, bulletins, policy statements, questions and answers, and frequently asked questions. Supervisory guidance outlines the agencies' supervisory expectations or priorities and articulates the agencies' general views regarding practices for a given subject area. Supervisory guidance often provides examples of practices that mitigate risks, or that the agencies generally consider to be consistent with safety-and-soundness standards or other applicable laws and regulations, including those designed to protect consumers.[4] The agencies noted in the 2018 Statement that supervised institutions at times request supervisory guidance and that guidance is important to provide clarity

[1] Regulations are commonly referred to as legislative rules because regulations have the ''force and effect of law.'' *Perez* v. *Mortgage Bankers Association,* 575 U.S. 92, 96 (2015).

[2] *See Chrysler* v. *Brown,* 441 U.S. 281, 302 (1979) (quoting the Attorney General's Manual on the Administrative Procedure Act at 30 n.3 (1947) (Attorney General's Manual) and discussing the distinctions between regulations and general statements of policy, of which supervisory guidance is one form).

[3] *See https://www.consumerfinance.gov/about-us/newsroom/agencies-issue-statement-reaffirming-role-supervisory-guidance/.*

[4] While supervisory guidance offers guidance to the public on the agencies' approach to supervision under statutes and regulations and safe and sound practices, the issuance of guidance is discretionary and is not a prerequisite to an agency's exercise of its statutory and regulatory authorities. This point reflects the fact that statutes and legislative rules, not statements of policy, set legal requirements.

to these institutions, as well as supervisory staff, in a transparent way that helps to ensure consistency in the supervisory approach.[5]

The 2018 Statement restated existing law and reaffirmed the agencies' understanding that supervisory guidance does not create binding, enforceable legal obligations. The 2018 Statement reaffirmed that the agencies do not issue supervisory criticisms for ''violations'' of supervisory guidance and described the appropriate use of supervisory guidance by the agencies. In the 2018 Statement, the agencies also expressed their intention to (1) limit the use of numerical thresholds in guidance; (2) reduce the issuance of multiple supervisory guidance documents on the same topic; (3) continue efforts to make the role of supervisory guidance clear in communications to examiners and supervised institutions; and (4) encourage supervised institutions to discuss their concerns about supervisory guidance with their agency contact.

On November 5, 2018, the OCC, Board, FDIC, and Bureau each received a petition for a rulemaking (Petition), as permitted under the Administrative Procedure Act (APA),[6] requesting that the agencies codify the 2018 Statement.[7] The Petition argued that a rule on guidance is necessary to bind future agency leadership and staff to the 2018 Statement's terms. The Petition also suggested there are ambiguities in the 2018 Statement concerning how supervisory guidance is used in connection with matters requiring attention, matters requiring immediate attention (collectively, MRAs), as well as in connection with other supervisory actions that should be clarified through a rulemaking. Finally, the Petition called for the rulemaking to implement changes in the agencies' standards for issuing MRAs. Specifically, the Petition requested that the agencies limit the role of MRAs to addressing circumstances in which there is a violation of a statute, regulation, or order, or demonstrably unsafe or unsound practices.

II. The Proposed Rule

On November 5, 2020, the agencies issued a proposed rule (Proposed Rule or Proposal) that would have codified the 2018 Statement, with clarifying changes, as an appendix to proposed rule text.[8] The Proposed Rule would have superseded the 2018 Statement. The rule text would have provided that an amended version of the 2018 Statement is binding on each respective agency.

The Petition expressed support for the 2018 Statement and acknowledged that it addresses many issues of concern for the Petitioners relating to the use of supervisory guidance. The Petition expressed concern, however, that the 2018 Statement's reference to not basing ''criticisms'' on violations of supervisory guidance has led to confusion about whether MRAs are covered by the 2018 Statement. Accordingly, the agencies proposed to clarify in the Proposed Rule that the term ''criticize'' includes the issuance of MRAs and other supervisory criticisms, including those communicated through matters requiring board attention, documents of resolution, and supervisory recommendations (collectively, supervisory criticisms).[9] As such, the agencies reiterated that examiners will not base supervisory criticisms on a ''violation'' of or ''non-compliance with'' supervisory guidance. The agencies noted that, in some situations, examiners may reference (including in writing) supervisory guidance to provide examples of safe and sound conduct, appropriate consumer protection and risk management practices, and other actions for addressing compliance with laws or regulations. The agencies also reiterated that they will not issue an enforcement action on the basis of a ''violation'' of or ''non-compliance'' with supervisory guidance. The Proposed Rule reflected these clarifications.[10]

The Petition requested further that these supervisory criticisms should not include ''generic'' or ''conclusory'' references to safety and soundness. The agencies agreed that supervisory criticisms should continue to be specific as to practices, operations, financial conditions, or other matters that could have a negative effect on the safety and soundness of the financial institution, could cause consumer harm, or could cause violations of laws, regulations, final agency orders, or other legally enforceable conditions. Accordingly, the agencies included language reflecting this practice in the Proposed Rule.

The Petition also suggested that MRAs, as well as memoranda of understanding, examination downgrades, and any other formal examination mandate or sanction, should be based only on a violation of a statute, regulation, or order, including a ''demonstrably unsafe or unsound practice.'' As noted in the Proposed Rule, examiners all take steps to identify deficient practices before they rise to violations of law or regulation or before they constitute unsafe or unsound banking practices. The agencies stated that they continue to believe that early identification of deficient practices serves the interest of the public and of supervised institutions. Early identification protects the safety and soundness of banks, promotes consumer protection, and reduces the costs and risk of deterioration of financial condition from deficient practices resulting in violations of laws or regulations, unsafe or unsound conditions, or unsafe or unsound banking practices. The Proposed Rule also noted that the agencies have different supervisory processes, including for issuing supervisory criticisms. For these reasons, the

[5] The Administrative Conference of the United States (ACUS) has recognized the important role of guidance documents and has stated that guidance can ''make agency decision-making more predictable and uniform and shield regulated parties from unequal treatment, unnecessary costs, and unnecessary risk, while promoting compliance with the law.'' ACUS, Recommendation 2017–5, Agency Guidance Through Policy Statements, 82 FR 61728, 61734 (Dec. 29, 2017). ACUS also suggests that ''policy statements are generally better [than legislative rules] for dealing with conditions of uncertainty and often for making agency policy accessible.'' *Id.* ACUS's reference to ''policy statements'' refers to the statutory text of the APA, which provides that notice and comment is not required for ''general statements of policy.'' The phrase ''general statements of policy'' has commonly been viewed by courts, agencies, and administrative law commentators as including a wide range of agency issuances, including guidance documents.

[6] 5 U.S.C. 553(e).

[7] *See* Petition for Rulemaking on the Role of Supervisory Guidance, *available at https://www.consumerfinance.gov/rules-policy/petitions-rulemaking/bpi-aba-petition/*. The Petitioners did not submit a petition to the NCUA, which has no supervisory authority over the financial institutions that are represented by Petitioners. The NCUA chose to join the Proposed Rule on its own initiative. References in the preamble to ''agencies'' therefore include the NCUA.

[8] 85 FR 70512 (Nov. 5, 2020).

[9] The agencies use different terms to refer to supervisory actions that are similar to MRAs and Matters Requiring Immediate Attention (MRIAs), including matters requiring board attention, documents of resolution, and supervisory recommendations.

[10] The 2018 Statement contains the following sentence: ''Examiners will not criticize a supervised financial institution for a ''violation'' of supervisory guidance.'' 2018 Statement at 2. As revised in the Proposed Rule, this sentence read as follows: ''Examiners will not criticize *(including through the issuance of matters requiring attention, matters requiring immediate attention, matters requiring board attention, documents of resolution, and supervisory recommendations*) a supervised financial institution for, and agencies will not issue an enforcement action on the basis of, a ''violation'' of or ''non-compliance'' with supervisory guidance.'' Proposed Rule (emphasis added). As discussed *infra* in footnote 11, the Proposed Rule also removed the sentences in the 2018 Statement that referred to ''citation,'' which the Petition suggested had been confusing. These sentences were also removed to clarify that the focus of the Proposed Rule related to the use of guidance, not the standards for MRAs.

agencies did not propose revisions to their respective supervisory practices relating to supervisory criticisms.

The agencies also noted that the 2018 Statement was intended to focus on the appropriate use of supervisory guidance in the supervisory process, rather than the standards for supervisory criticisms. To address any confusion concerning the scope of the 2018 Statement, the Proposed Rule removed two sentences from the 2018 Statement concerning grounds for ''citations'' and the handling of deficiencies that do not constitute violations of law.[11]

III. Comments on the Proposed Rule

A. Overview

The five agencies received approximately thirty unique comments concerning the Proposed Rule.[12] The Bureau discusses below those comments that are potentially relevant to the Bureau, rather than those comments that are only potentially relevant to other agencies. As one example, the Bureau notes that the Federal banking agencies (the OCC, Board, and FDIC) received a comment regarding their supervisory authorities, but the Bureau did not. Accordingly, the Bureau does not discuss that subject here.

Commenters representing trade associations for banking institutions and other businesses, State bankers' associations, individual financial institutions, and one member of Congress expressed general support for the Proposed Rule. These commenters supported codification of the 2018 Statement and the reiteration by the agencies that guidance does not have the force of law and cannot give rise to binding, enforceable legal obligations. One of these commenters stated that the Proposal would serve the interests of consumers and competition by clarifying the law for institutions and potentially removing ambiguities that could deter the development of innovative products that serve consumers and business clients, without uncertainty regarding potential regulatory consequences. These commenters expressed strong support as well for the clarification in the Proposed Rule that the agencies will not criticize, including through the issuance of ''matters requiring attention,'' a supervised financial institution for a ''violation'' of, or ''non-compliance'' with, supervisory guidance.

One commenter agreed with the agencies that supervisory criticisms should not be limited to violation of statutes, regulations, or orders and that supervisory guidance remains a beneficial tool to communicate supervisory expectations to the industry. The commenter stated that the proactive identification of supervisory criticism or deficiencies that do not constitute violations of law facilitates forward-looking supervision, which helps address problems before they warrant a formal enforcement action. The commenter noted as well that supervisory guidance provides important insight to industry and ensures consistency in the supervisory approach and that supervised institutions frequently request supervisory guidance. The commenter observed that the COVID–19 pandemic has amplified the requests for supervisory guidance and interpretation, and that it is apparent institutions want clarity and guidance from regulators.

Two commenters, both public interest advocacy groups, opposed the Proposed Rule, suggesting that codifying the 2018 Statement may undermine the important role that supervisory guidance can play by informing supervisory criticism, rather than merely clarifying that it will not serve as the basis for enforcement actions. One commenter stated that it is essential for agencies to have the prophylactic authority to base criticisms on imprudent bank practices that may not yet have ripened into violations of law or significant safety and soundness concerns. The commenter stated that this is particularly important with respect to large banks, where delay in addressing concerns could lead to a broader crisis. One commenter stated that the agencies have not explained the benefits that would result from the rule or demonstrated how the rule will promote safety and soundness or consumer protection. The commenter argued that supervision is different from other forms of regulation and requires supervisory discretion, which could be constrained by the rule. One of these commenters argued that the Proposal would send a signal that banking institutions have wider discretion to ignore supervisory guidance.

In a comment that was specifically addressed to the Bureau, a veterans advocacy group expressed concern that the Bureau's participation in the interagency rule would bind the hands of a future administration.

B. Scope of Rule

Several industry commenters requested that the Proposed Rule cover interpretive rules and clarify that interpretive rules do not have the force and effect of law. One commenter stated that the agencies should clarify whether they believe that interpretive rules can be binding. The commenter argued that, under established legal principles, interpretive rules can be binding on the agency that issues but not on the public. Some commenters suggested that the agencies follow Administrative Conference of the United States (ACUS) recommendations for issuing interpretive rules and that the agencies should clarify when particular guidance documents are (or are not) interpretive rules and allow the public to petition to change an interpretation. A number of commenters requested that the agencies expand the statement to address the standards that apply to MRAs and other supervisory criticisms, a suggestion made in the Petition.

One comment that specifically pertained to the Bureau, which was submitted by an association of community banks, recommended that the category of supervisory guidance be expanded to include the ''small entity compliance guides'' that the Bureau provides for small entities, which the commenter described as extremely helpful. Another comment, from an association in the debt-collection industry, generally encouraged the Bureau to issue small entity compliance guides, frequently asked questions, and advisory opinions to explain compliance expectations.

C. Role of Guidance Documents

Several commenters recommended that the agencies clarify that the practices described in supervisory guidance are merely examples of conduct that may be consistent with statutory and regulations, not expectations that may form the basis for supervisory criticism. One commenter suggested that the agencies state that when supervisory guidance or interpretive rules offers examples of safe and sound conduct, compliance with consumer protection standards, appropriate risk management practices, or acceptable practices through supervisory guidance, the agencies will

[11] The following sentences from the 2018 Statement were not present in the Proposed Rule: ''Rather, any citations will be for violations of law, regulation, or non-compliance with enforcement orders or other enforceable conditions. During examinations and other supervisory activities, examiners may identify unsafe or unsound practices or other deficiencies in risk management, including compliance risk management, or other areas that do not constitute violations of law or regulation.'' 2018 Statement at 2. The agencies did not intend these deletions to indicate a change in supervisory policy.

[12] Of the comments received, some comments were not submitted to all agencies, and some comments were identical. Note that this total excludes comments that were directed at an unrelated rulemaking by the Financial Crimes Enforcement Network of the Department of the Treasury (FinCEN).

treat adherence to that supervisory guidance or interpretive rule as providing a safe harbor. One commenter also requested that the agencies make clear that guidance that goes through public comment, as well as any examples used in guidance, are not binding.[13]

One comment that was specifically addressed to the Bureau, from an association of credit unions, stated that the Bureau should refrain from issuing supervisory guidance that adds requirements not explicitly stated in the statute or regulation.

One commenter argued that guidance provides valuable information to supervisors about how their discretion should be exercised and therefore plays an important role in supervision.

D. Supervisory Criticisms

Several commenters addressed supervisory criticisms and how they relate to guidance. Some commenters suggested that supervisory criticisms should be specific as to practices, operations, financial conditions, or other matters that could have a negative effect. These commenters suggested that MRAs, memoranda of understanding and any other formal written mandates or sanctions should be based only on a violation of a statute or regulation. Similarly, these commenters argued that there should be no references to guidance in written formal actions and that banking institutions should be reassured that they will not be criticized or cited for a violation of guidance when no law or regulation is cited. One commenter suggested that it would instead be appropriate to discuss supervisory guidance privately, rather than publicly, potentially during the pre-exam meetings or during examination exit meetings. Another commenter suggested that, while referencing guidance in supervisory criticism may be useful at times, agencies should provide safeguards to prevent such references from becoming the de facto basis for supervisory criticisms. One commenter stated that examiners also should not criticize community banks in their final written examination reports for not complying with ''best practices'' unless the criticism involves a violation of bank policy or regulation. The commenter added that industry best practices should be transparent enough and sufficiently known throughout the industry before being cited in an examination report. One commenter requested that examiners should not apply large bank practices to community banks that have a different, less complex and more conservative business model.

Commenters that opposed the Proposal did not support restricting supervisory criticism or sanctions to explicit violations of law or regulation. One commenter expressed concern that requiring supervisors to wait for an explicit violation of law before issuing criticism would effectively erase the line between supervision and enforcement. According to the commenter, it would eliminate the space for supervision as an intermediate practice of oversight and cooperative problem-solving between banks and the regulators who support and manage the banking system. One commenter emphasized the importance of bank supervisors basing their criticisms on imprudent bank practices that may not yet have ripened into violations of laws or rules but which if left unaddressed could pose harm to consumers.

One commenter argued that the agencies should state clearly that guidance can and will be used by supervisors to inform their assessments of banks' practices and that it may be cited as, and serve as the basis for, criticisms. According to the commenter, even under the legal principles described in the Proposal, it is permissible for guidance to be used as a set of standards that may inform a criticism, provided that application of the guidance is used for corrective purposes, if not to support an enforcement action.

According to one commenter, the Proposal makes fine conceptual distinctions between, for example, issuing supervisory criticisms ''on the basis of'' guidance and issuing supervisory criticisms that make ''reference'' to supervisory guidance. The commenter suggested that is a distinction that it may be difficult for regulated entities to parse in practice. According to the commenter, a rule that makes such a distinction is likely to have a chilling effect on supervisors attempting to implement policy in the field. According to another commenter, the language allowing examiners to reference supervisory guidance to provide examples is too vague and threatens to marginalize the role of guidance and significantly reduce its usefulness in the process of issuing criticisms designed to correct deficient bank practices.

E. Issuance and Management of Supervisory Guidance

Several commenters made suggestions about how the agencies should issue and manage supervisory guidance. Some commenters suggested that the agencies should delineate clearly between regulations and supervisory guidance. Commenters encouraged the agencies to regularly review, update, and potentially rescind outstanding guidance. One commenter suggested that the agencies rescind outstanding guidance that functions as rule but has not gone through notice and comment. One commenter suggested that the agencies memorialize their intent to revisit and potentially rescind existing guidance, as well as limit multiple guidance documents on the same topic. Commenters suggested that supervisory guidance should be easy to find, readily available, online, and in a format that is user-friendly and searchable.

One commenter encouraged the agencies to issue principles-based guidance that avoids the kind of granularity that could be misconstrued as binding expectations. According to this commenter, the agencies can issue separate frequently asked questions with more detailed information but should clearly identify these as non-binding illustrations. This commenter also encouraged the agencies to publish proposed guidance for comment when circumstances allow. Another commenter requested that the agencies issue all ''rules'' as defined by the Administrative Procedure Act through the notice-and-comment process.

One commenter expressed concern that the agencies will aim to reduce the issuance of multiple supervisory guidance documents and will thereby reduce the availability of guidance in circumstances where guidance would be valuable.

F. Responses to Comments

As stated in the Proposed Rule, the 2018 Statement was intended to focus on the appropriate use of supervisory guidance in the supervisory process, rather than the standards for supervisory criticisms. The standards for issuing MRAs and other supervisory actions were, therefore, outside the scope of this rulemaking. For this reason, and for reasons discussed earlier, the final rule does not address the standards for MRAs or other supervisory actions.

With respect to the comments on coverage of interpretive rules, the Bureau agrees with the commenter that interpretive rules do not, alone, ''have the force and effect of law'' and must be

[13] This commenter also requested that the agencies affirm that they will apply statutory factors while processing applications. The Bureau construes this comment, in context, as referring to the application processes that are common at the Federal banking agencies; to the extent it may refer to applications to the Bureau, the Bureau considers it outside the scope of the Bureau's rulemaking.

rooted in, and derived from, a statute or regulation.[14] While interpretive rules and supervisory guidance are similar in lacking the force and effect of law, interpretive rules and supervisory guidance are distinct under the APA and its jurisprudence and are generally issued for different purposes.[15] Interpretive rules are typically issued by an agency to advise the public of the agency's construction of the statutes and rules that it administers,[16] whereas general statements of policy, such as supervisory guidance, advise the public of how an agency intends to exercise its discretionary powers.[17] To this end, guidance generally reflects an agency's policy views, for example, on risk management practices. On the other hand, interpretive rules generally resolve ambiguities regarding requirements imposed by statutes and regulations. Because supervisory guidance and interpretive rules have different characteristics and serve different purposes, the Bureau has decided that the final rule will continue to cover supervisory guidance only.

With respect to the question of whether to adopt ACUS's procedures for allowing the public to request reconsideration or revision of an interpretive rule, this rulemaking, again, does not address interpretive rules. As such, the Bureau is not adding procedures for challenges to interpretive rules through this rulemaking.

The Bureau is also not adopting the comment from an association of community banks that the category of supervisory guidance be expanded to include the ''small entity compliance guides'' that the Bureau provides for small entities, which the commenter described as extremely helpful. The Bureau normally designates its small entity compliance guides as ''compliance aids,'' pursuant to the its Policy Statement on Compliance Aids.[18] Compliance aids do not rise to the level of supervisory guidance, because they are not general statements of policy and they do not concern the Bureau's supervisory powers—neither do they rise to the level of interpretive rules, because they are not interpretive.[19] Instead, the Policy Statement on Compliance Aids outlines how compliance aids simply present the requirements of rules and statutes in a manner that is useful for compliance professionals, other industry stakeholders, and the public; compliance aids also sometimes include practical suggestions for how entities might choose to go about complying with those rules and statutes.[20] Interested parties can consult the Policy Statement on Compliance Aids for a comprehensive explanation of how the Bureau views its compliance aids.

The Bureau also notes the comment from an association in the debt-collection industry that encouraged the Bureau to issue small entity compliance guides, frequently asked questions, and advisory opinions to explain compliance expectations. The Bureau observes that these particular materials are outside the scope of this particular rulemaking. This is because the Bureau's small entity compliance guides and frequently asked questions are generally designated as compliance aids and not supervisory guidance under the Policy Statement on Compliance Aids,[21] while the Bureau's advisory opinions are classified as interpretive rules under the Bureau's Advisory Opinion Policy.[22] However, the Bureau agrees that the appropriate Bureau use of compliance aids and advisory opinions, like supervisory guidance, is useful for helping entities in the debt-collection and other industries to fully comply with Federal consumer financial laws.

In response to the comment that the agencies should treat examples in guidance as ''safe harbors,'' the Bureau agrees that examples offered in supervisory guidance can provide insight about practices that, in general, may lead to compliance with regulations and statutes. The examples in guidance, however, are generalized. When an institution chooses to implement such examples, examiners must consider the facts and circumstances of that institution in assessing the application of those examples. In addition, the underlying legal principle of supervisory guidance is that it does not created binding legal obligation for either the public or an agency. As such, the Bureau does not deem examples in supervisory guidance to categorically establish safe harbors.

The Bureau has also considered the comment that was specifically directed to the Bureau, from an association of credit unions, which stated that the Bureau should refrain from issuing supervisory guidance that adds requirements not explicitly stated in the statute or regulation. Although the Bureau does not agree that it would be appropriate to limit the Bureau's efforts to assist entities in complying with their legal obligations to situations where the law is already explicit, the Bureau fully agrees that it is not the role of supervisory guidance to create legal requirements. Those must be located in a statute or regulation.

In response to the comments that the Proposal may undermine the important role that supervisory guidance can play in informing supervisory criticism and in serving to address conditions before those conditions lead to enforcement actions, the Bureau agrees that the appropriate use of supervisory guidance generates a more collaborative and constructive regulatory process that supports compliance by institutions, thereby diminishing the need for enforcement actions. As noted by ACUS, guidance can make agency decision-making more predictable and uniform and shield regulated parties from unequal treatment, unnecessary costs, and unnecessary risk, while promoting compliance with the law. The Bureau does not view the final rule as weakening the role of guidance in the supervisory process and the Bureau will continue to use guidance in a robust way to promote compliance by its supervised institutions.

Further, the Bureau does not agree with one commenter's assertion that the Proposal made an unclear distinction between, on the one hand, inappropriate

[14] *See Mortgage Bankers Association,* 575 U.S. at 96.

[15] Questions concerning the legal and supervisory nature of interpretive rules are case-specific and have engendered debate among courts and administrative law commentators. The Bureau takes no position in this rulemaking on those specific debates. *See, e.g.,* R. Levin, *Rulemaking and the Guidance Exemption,* 70 Admin. L. Rev. 263 (2018) (discussing the doctrinal differences concerning the status of interpretive rules under the APA); *see also* Nicholas R. Parillo, *Federal Agency Guidance and the Powder to Bind: An Empirical Study of Agencies and Industries,* 36 Yale J. Reg 165, 168 n.6 (2019) (''Whether interpretive rules are supposed to be nonbinding is a question subject to much confusion that is not fully settled.''); *see also* ACUS, Recommendation 2019–1: Agency Guidance Through Interpretive Rules, 84 FR 38927 (Aug. 8, 2019) (noting that courts and commentators have different views on whether interpretive rules bind an agency and effectively bind the public through the deference given to agencies' interpretations of their own rules under *Auer* v. *Robbins,* 519 U.S. 452 (1997)).

[16] *Mortgage Bankers Association,* 575 U.S. at 97 (citing *Shalala* v. *Guernsey Memorial Hospital,* 514 U.S. 87, 99 (1995)); *accord* Attorney General's Manual at 30 n.3.

[17] *See Chrysler* v. *Brown,* 441 U.S. at 302 n.31 (quoting Attorney General's Manual at 30 n.3); *see also, e.g., American Mining Congress* v. *Mine Safety & Health Administration,* 995 F.2d 1106, 1112 (D.C. Cir. 1993) (outlining tests in the D.C. Circuit for assessing whether an agency issuance is an interpretive rule).

[18] Policy Statement on Compliance Aids, 85 FR 4579 (Jan. 27, 2020).

[19] *Id.* at 4579 n.4 (explaining that Bureau compliance aids that satisfy the policy statement do not rise to the level of ''rules'' as defined by the Administrative Procedure Act and that general statements of policy and interpretive rules are examples of ''rules'').

[20] *Id.* at 4579.

[21] *Id.*

[22] Advisory Opinions Policy, 85 FR 77987, 77988 (Dec. 3, 2020) (explaining that Bureau advisory opinions are interpretive rules under the Administrative Procedure Act and explaining limitations on advisory opinions).

supervisory criticism for a ''violation'' of or ''non-compliance'' with supervisory guidance, and, on the other hand, Bureau examiners' entirely appropriate use of supervisory guidance to reference examples of appropriate consumer protection and risk management practices and other actions for addressing compliance with laws or regulations. This approach appropriately implements the principle that institutions are not required to follow supervisory guidance in itself but may find such guidance useful. The Bureau disagrees with the commenter that institutions and examiners are incapable of understanding this important distinction.

As one example, Bureau examiners regularly examine the compliance management systems (CMS) at supervised institutions. Where examiners identify a deficiency in an institution's CMS, examiners may provide a supervisory recommendation or other supervisory criticism to the institution to correct the deficiency at that institution. It is also appropriate for Bureau examiners to refer to relevant supervisory guidance as an example of appropriate CMS, if the examiners believe that an institution would find such guidance informative.

In response to the comments regarding the role of public comment for supervisory guidance, the Bureau notes that it has made clear through the 2018 Statement and in this final rule that supervisory guidance (including guidance that goes through public comment) does not create binding, enforceable legal obligations. Rather, the Bureau may issue supervisory guidance for comment in order to improve its understanding of an issue, gather information, or seek ways to achieve a supervisory objective most effectively. Similarly, examples that are included in supervisory guidance (including guidance that goes through public comment) are not binding on institutions. Rather, these examples are intended to be illustrative of ways a supervised institution may implement appropriate consumer protection, prudent risk management, or other actions in furtherance of compliance with laws or regulations. Relatedly, the Bureau does not agree with one comment that it should use notice-and-comment procedures, without exception, to issue all ''rules'' as defined by the APA, which would include supervisory guidance. Congress has established longstanding exceptions in the APA from the notice-and-comment process for certain rules, including for general statements of policy like supervisory guidance and for interpretive rules. As one court has explained, Congress intended to ''accommodate situations where the policies promoted by public participation in rulemaking are outweighed by the countervailing considerations of effectiveness, efficiency, expedition and reduction in expense.'' [23]

In response to the question raised by some commenters concerning potential confusion between supervisory guidance and interpretive rules, the Bureau notes that interpretive rules are outside the scope of the rulemaking. In addition, as stated earlier, interpretative rules do not, alone, ''have the force and effect of law'' and must be rooted in, and derived from, the statutes and regulations those rules interpret. While interpretive rules and supervisory guidance are similar in lacking the force and effect of law, interpretive rules and supervisory guidance are distinct under the APA and its jurisprudence and are generally issued for different purposes. The Bureau believes that when it issues an interpretive rule, the fact that it is an interpretive rule is generally clear. In addition, these comments relate to clarity in drafting, rather than a matter that seems suitable for rulemaking.

In response to the two public interest advocacy groups opposing the Proposal, the Bureau does not believe that this final rule would undermine any of the Bureau's authorities. Indeed, the final rule is designed to support the Bureau's ability to supervise. In addition, the Bureau notes the question of the role of guidance has been one of interest to regulated parties and other stakeholders over the past few years. The Petition and the numerous comments on the Proposal are a sign of this interest. As such, the Bureau believes it will serve the public interest to reaffirm the appropriate role of supervisory guidance. There are inherent benefits to the supervisory process whenever institutions and examiners have a clear understanding of their roles, including how supervisory guidance can be used effectively within legal limits. And in response to the concern from the veterans advocacy group that the Bureau's participation in the interagency Proposed Rule would bind the hands of a future administration, the Bureau notes that it is the nature of binding regulations that they bind an agency over time across multiple administrations. Most importantly, it does not believe that there is anything in the final rule that would prevent the Bureau from continuing to vigorously carry out its statutory supervisory functions in the interests of consumers, while respecting legal limits. Therefore, the Bureau is proceeding with the rule as proposed.

In response to the commenter expressing concern that language in the Statement on reducing multiple supervisory guidance documents on the same topic will limit the Bureau's ability to provide valuable guidance, the Bureau assures the commenter that this language will not inhibit the Bureau from issuing new supervisory guidance when appropriate.

Finally, the Bureau appreciates the other comments related to other aspects of guidance or the supervisory process, but the Bureau does not believe that they are best addressed in this rulemaking.

IV. The Final Rule

For the reasons discussed above, the final rule adopts the Proposed Rule without substantive change.

However, the Bureau has decided to issue a final rule that is specifically addressed to the Bureau and Bureau-supervised institutions, rather than the joint version that the five agencies included in their joint Proposal. Although many of the comments were applicable to all of the agencies, some comments were specific to particular agencies or to groups of agencies. Having separate final rules has enabled agencies to better focus on explaining any agency-specific issues to their respective audiences of supervised institutions and agency employees.

Relatedly, the Bureau has omitted from the final rule those specific phrases that are inapplicable to the Bureau, because they pertain to the safety-and-soundness responsibilities of the Federal banking agencies and the NCUA. The Bureau believes that this will provide greater clarity about how the rule applies to the Bureau's supervisory functions.

V. Administrative Law Matters

A. Dodd-Frank Act

The Bureau issues this final rule based on the Bureau's authorities under sections 1012(a)(1) and 1022(b)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).[24] Section 1012(a)(1) authorizes the Bureau to establish rules for conducting the general business of the Bureau, in a manner not inconsistent with title X of the Dodd-Frank Act.[25] Section

[23] *Am. Hosp. Ass'n* v. *Bowen,* 834 F.2d 1037, 1045 (D.C. Cir. 1987). The specific contours of these exceptions are the subject of an extensive body of case law.

[24] Public Law 111–203, 124 Stat. 1376 (2010).

[25] 12 U.S.C. 5492(a)(1).

1022(b)(1) authorizes the Bureau to issue rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws.[26] The Bureau determines that the additional clarity regarding the status of supervisory guidance provided by the final rule will enable the Bureau to carry out its supervisory responsibilities under Federal consumer financial law more effectively.

Consistent with section 1022(b)(2)(B) of the Dodd-Frank Act, in developing the final rule, the Bureau has consulted, or offered to consult with, the prudential regulators and the Federal Trade Commission, including regarding consistency with any prudential, market, or systemic objectives administered by those agencies.[27]

Additionally, consistent with section 1022(b)(2)(A) of the Dodd-Frank Act, the Bureau has considered the potential benefits, costs, and impacts of the final rule.[28] The Bureau requested comment on the preliminary analysis presented in the proposal as well as submissions of additional data that could inform the Bureau's analysis of the benefits, costs, and impacts. Such comments as the Bureau received on this subject are discussed below.

Institutions Affected by the Final Rule. The Bureau's final rule applies to supervisory guidance issued by the Bureau, which is addressed to those institutions that are subject to the Bureau's supervisory authority. Accordingly, the final rule may affect those nondepository institutions that are subject to the Bureau's supervisory authority under section 1024 of the Dodd-Frank Act.[29] It may also affect those insured depository institutions and insured credit unions that have more than $10 billion in total assets, together with their affiliates, which are subject to the Bureau's supervisory authority under section 1025 of the Dodd-Frank Act.[30] The final rule may additionally affect service providers that are subject to the Bureau's supervisory authority.[31]

Potential Benefits and Costs to Consumers and Covered Persons. The final rule reiterates the Interagency Statement Clarifying the Role of Supervisory Guidance (2018 Statement), which is already the policy of the Bureau, and makes it binding on the Bureau. The Bureau evaluates the final rule against a baseline in which no such rule is adopted, and the Bureau is therefore less definitively bound to implement the 2018 Statement in all supervisory activities. Accordingly, the final rule provides the relevant institutions with additional assurance that the Bureau's implementation of current and future supervisory guidance will follow the 2018 Statement.

The final rule should provide the relevant institutions with greater certainty about legal obligations that are addressed in supervisory guidance. This in turn may reduce compliance costs. It is not feasible, however, to quantify or monetize this benefit. The Bureau can only speculate on the greater certainty about legal obligations and the reduction in compliance costs due to the final rule. Further, the benefit from the greater certainty about legal obligations pertains to future as well as current supervisory guidance. The Bureau can only speculate on the frequency of future supervisory guidance. Supervisory guidance is issued from time to time as the need arises, and the Bureau cannot forecast the volume and nature of future supervisory guidance with sufficient precision to quantify or monetize this benefit.

The final rule may also indirectly benefit those consumers that are customers of the relevant institutions, if reduced compliance costs translate into better terms or availability of consumer financial products and services. For the reasons given above, this benefit cannot be quantified or monetized.

A commenter criticized the benefits discussed above and in the Proposal, deeming them implausible and speculative, and argued that there is no link between reduced compliance costs and consumer welfare. The Bureau disagrees with this assessment. While the Bureau does not have data to quantify or monetize the benefit of increased clarity, as a matter of logic and economic theory increased legal clarity can reduce compliance costs of regulated entities. Where there is uncertainty as to the requirements of the law, firms subject to the Bureau's supervisory authority may undertake excess costs to ensure compliance. To the extent that the 2018 Statement has prompted financial institutions to avoid unnecessary compliance costs in cases that comply with applicable laws and regulations and do not harm consumers, but technically contravene the Bureau's supervisory guidance, the final rule will further lower those costs by reducing the uncertainty. With respect to the criticism that compliance costs are not necessarily linked to consumer welfare, the Bureau notes that its burden under section 1022(b)(2)(A) is to consider costs and benefits to covered persons as well as to consumers. Moreover, as noted above, a reduction in unnecessary compliance costs can be passed through to consumers in the form of lower costs of credit.

Finally, the final rule does not impose any new obligations on institutions. Thus, the final rule should have no costs for institutions. A consumer advocate commenter asserted that the rule would impose costs on consumers by reducing the effectiveness of the agencies' supervision operations, leading to potential consumer harm. The commenter argued that ambiguities in the Proposed Rule and the accompanying Statement would make it difficult for supervision staff at the agencies to determine when to issue supervisory criticisms, to the detriment of consumers who may be affected by practices that would otherwise be subject to a supervisor's criticism. However, the Bureau notes that the 2018 Statement is already the policy of the Bureau. Moreover, the rule is intended to clarify at least some aspects of the 2018 Statement. To the extent that the ambiguities the commenter identifies exist and affect the Bureau's supervision operations, they already exist under the baseline. Thus, as noted in the Proposal, the effects of the rule, as described above, impose no clear costs on any consumers.

Impact on Depository Institutions and Credit Unions With No More Than $10 Billion in Assets. Under section 1026 of the Dodd-Frank Act, the Bureau has only limited supervisory authority with respect to those insured depository institutions and insured credit unions that have no more than $10 billion in total assets,[32] and so the Bureau does not normally address supervisory guidance to these institutions. Accordingly, the Bureau does not expect there to be any appreciable impact on these institutions from the final rule.

Impact on Access to Credit. The Bureau does not expect the final rule to affect consumers' access to credit,

[26] 12 U.S.C. 5512(b)(1).

[27] 12 U.S.C. 5512(b)(2)(B). The prudential regulators are the OCC, Board, FDIC, and NCUA. *See* 12 U.S.C. 5481(24) (defining ''prudential regulators'').

[28] Section 1022(b)(2)(A) of the Dodd-Frank Act, 12 U.S.C. 5512(b)(2)(A), requires the Bureau to consider the potential benefits and costs of the regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact of the proposed rule on insured depository institutions and credit unions with no more than $10 billion in total assets as described in section 1026 of the Dodd-Frank Act, 12 U.S.C. 5516; and the impact on consumers in rural areas.

[29] 12 U.S.C. 5514.

[30] 12 U.S.C. 5515.

[31] 12 U.S.C. 5514(e), 5515(d), 5516(e).

[32] 12 U.S.C. 5516.

except to the extent that reduced compliance costs and additional assurance, relative to the baseline, that the Bureau will follow the 2018 Statement in the future might indirectly make some credit more available, as discussed above.

Impact on Consumers in Rural Areas. The Bureau does not believe that the final rule would have any unique impact on consumers in rural areas, and so the impact on these consumers should be similar to consumers generally.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.[33] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[34] In the Proposal, the Bureau determined that an IRFA and small business review panel was not required because the Director of the Bureau certified the Proposed Rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau explained that the Proposed Rule would not impose any obligations on regulated entities, and regulated entities would not need to take any action in response to this Proposed Rule. The Bureau did not receive comments on its analysis of the impact of the Proposal on small entities. Accordingly, the Director of the Bureau certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Bureau has determined that this final rule does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act.[35]

[33] 5 U.S.C. 601–612.

[34] 5 U.S.C. 609.

[35] 44 U.S.C. 3501–3521.

D. Congressional Review Act

Pursuant to the Congressional Review Act[36] the Bureau will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the rule taking effect. The Office of Information and Regulatory Affairs (OIRA) has designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. Signing Authority

The Director of the Bureau, Kathleen L. Kraninger, having reviewed and approved this document, is delegating the authority to electronically sign this document to Grace Feola, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

List of Subjects in 12 CFR Part 1074

Administrative practice and procedure.

Authority and Issuance

For the reasons set forth above, the Bureau amends 12 CFR part 1074 as set forth below:

PART 1074—RULEMAKING AND GUIDANCE

■ 1. The authority citation for part 1074 continues to read as follows:

Authority: 12 U.S.C. 5492(a)(1), 5512(b).

■ 2. The heading to part 1074 is revised as set forth above.

■ 3. Add a heading for new subpart A to read as follows:

Subpart A—Procedure for Issuance of Bureau Rules

§ 1074.1 [Designated as Subpart A]

■ 4. Designate § 1074.1 as new subpart A.

■ 5. Add subpart B, consisting of §§ 1074.2 and 1074.3, to read as follows:

Subpart B—Use of Supervisory Guidance

Sec.
1074.2 Purpose.
1074.3 Implementation of the Statement Clarifying the Role of Supervisory Guidance.

§ 1074.2 Purpose.

The Bureau issues regulations and guidance as part of its supervisory function. This subpart reiterates the distinctions between regulations and guidance, as stated in the Statement Clarifying the Role of Supervisory Guidance (appendix A to this part) (Statement), and provides that the Statement is binding on the Bureau.

[36] 5 U.S.C. 801 *et seq.*

§ 1074.3 Implementation of the Statement Clarifying the Role of Supervisory Guidance.

The Statement describes the official policy of the Bureau with respect to the use of supervisory guidance in the supervisory process. The Statement is binding on the Bureau.

■ 6. Appendix A to part 1074 is added to read as follows:

Appendix A to Part 1074—Statement Clarifying the Role of Supervisory Guidance

Statement Clarifying the Role of Supervisory Guidance

The Bureau is issuing this statement to explain the role of supervisory guidance and to describe the Bureau's approach to supervisory guidance.

Difference Between Supervisory Guidance and Laws or Regulations

Supervisory agencies like the Bureau issue various types of supervisory guidance, including interagency statements, advisories, bulletins, policy statements, questions and answers, or frequently asked questions, to their respective supervised institutions. A law or regulation has the force and effect of law.[1] Unlike a law or regulation, supervisory guidance does not have the force and effect of law, and the Bureau does not take enforcement actions based on supervisory guidance. Rather, supervisory guidance outlines the Bureau's supervisory expectations or priorities and articulates the Bureau's general views regarding appropriate practices for a given subject area. Supervisory guidance often provides examples of practices that the Bureau generally considers consistent with applicable laws and regulations, including those designed to protect consumers. Supervised institutions at times request supervisory guidance, and such guidance is important to provide insight to industry, as well as supervisory staff, in a transparent way that helps to ensure consistency in the supervisory approach.

Ongoing Efforts To Clarify the Role of Supervisory Guidance

The Bureau is clarifying the following policies and practices related to supervisory guidance:

- The Bureau intends to limit the use of numerical thresholds or other ''bright-lines'' in describing expectations in supervisory guidance. Where numerical thresholds are used, the Bureau intends to clarify that the thresholds are exemplary only and not suggestive of requirements. The Bureau will continue to use numerical thresholds to tailor, and otherwise make clear, the applicability of supervisory guidance or programs to supervised institutions, and as required by statute.
- Examiners will not criticize (through the issuance of matters requiring attention, matters requiring immediate attention,

matters requiring board attention, documents of resolution, and supervisory recommendations) a supervised financial institution for, and the Bureau will not issue an enforcement action on the basis of, a ''violation'' of or ''non-compliance'' with supervisory guidance. In some situations, examiners may reference (including in writing) supervisory guidance to provide examples of appropriate consumer protection and risk management practices and other actions for addressing compliance with laws or regulations.

• Supervisory criticisms should continue to be specific as to practices, operations or other matters that could cause consumer harm or could cause violations of laws, regulations, final agency orders, or other legally enforceable conditions.

• The Bureau may decide to seek public comment on supervisory guidance. Seeking public comment on supervisory guidance does not mean that the guidance is intended to be a regulation or have the force and effect of law. The comment process helps the Bureau to improve its understanding of an issue, to gather information on institutions' risk management practices, or to seek ways to achieve a supervisory objective most effectively and with the least burden on institutions.

• The Bureau will aim to reduce the issuance of multiple supervisory guidance documents on the same topic and will generally limit such multiple issuances going forward.

• The Bureau will continue efforts to make the role of supervisory guidance clear in communications to examiners and to supervised financial institutions and encourages supervised institutions with questions about this statement or any applicable supervisory guidance to discuss the questions with their appropriate agency contact.

Dated: January 19, 2021.

Grace Feola,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2021–01524 Filed 2–11–21; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0027; Project Identifier MCAI–2021–00048–R; Amendment 39–21425; AD 2021–04–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–19–02, which applied to certain Airbus Helicopters (previously Eurocopter France) Model SA330J helicopters. AD 2020–19–02 required repetitively inspecting affected tail rotor (T/R) blades and depending on the inspection results, repairing or replacing the T/R blade. AD 2020–19–02 also prohibited installing an affected T/R blade unless it passed the inspections. This AD retains the requirements of AD 2020–19–02 and also clarifies the applicability, clarifies the affected T/R blades in the required actions, reduces a compliance time, and corrects the prohibition requirement. This AD was prompted by the determination that these corrections are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of October 7, 2020 (85 FR 59416, September 22, 2020).

The FAA must receive comments on this AD by March 29, 2021.

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

• *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Fax:* (202) 493–2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0027.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0027; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued AD 2020–19–02, Amendment 39–21243 (85 FR 59416, September 22, 2020) (AD 2020–19–02), for certain Airbus Helicopters (previously Eurocopter France) Model SA330J helicopters. AD 2020–19–02 required, for each T/R blade part number (P/N) 330A12–0005–(all dash numbers) and 330A12–0006–(all dash numbers), repetitively accomplishing a visual and in-depth inspection for debonding and eddy current inspecting for a crack. If there was debonding within allowable limits, AD 2020–19–02 required repairing or replacing the T/R blade. If there was debonding that exceeded allowable limits or a crack, AD 2020–19–02 required replacing the T/R blade. AD 2020–19–02 also prohibited installing an affected T/R blade unless it passed the inspections. AD 2020–19–02 was prompted by EASA AD No. 2016–0059–E, dated March 22, 2016 (EASA AD 2016–0059–E), issued by the EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters (formerly Eurocopter, Eurocopter France, Aerospatiale) Model SA 330 J helicopters. EASA AD 2016–0059–E retains the requirements of Direction Générale de l'Aviation Civile (DGAC) France AD 87–032–052(B)R3, dated January 23, 1991, which it supersedes, and also mandates improved service instructions. EASA advises of two reports of cracked metal T/R blade skin, which subsequently led to rotor blade vibrations and forced landing of the helicopter. According to EASA, this condition, if not addressed, could result in additional occurrences of T/R blade structural damage, possibly resulting in significant vibrations and reduced control of the helicopter.

Actions Since AD 2020–19–02 Was Issued

Since the FAA issued AD 2020–19–02, it was identified that the compliance time for the initial visual inspection of T/R blade P/N 330A12–0006–(all dash numbers) (with a de-icing system) was inadvertently stated as within 30 hours time-in-service (TIS). This final rule corrects this compliance time to within 15 hours TIS.

Since the FAA issued AD 2020–19–02, it was also identified that the parts prohibition requirement could cause confusion about when the inspections must be accomplished prior to installation. This final rule clarifies this.

Additionally, this final rule clarifies the applicability by identifying that T/R blade P/N 330A12–0005–(all dash numbers) is without a de-icing system installed and that T/R blade P/N 330A12–0006–(all dash numbers) is with a de-icing system installed. This final rule also clarifies the required actions by adding the P/Ns.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Emergency Alert Service Bulletin No. 05.101, Revision 0, dated March 21, 2016, for Model SA330J helicopters with certain T/R blades with and without a de-icing system installed. This service information specifies procedures for a visual and in-depth inspection of the T/R blades for skin debonding and an eddy current inspection of the T/R blades for a crack using various crack detectors.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

AD Requirements

This AD requires, for T/R blade P/N 330A12–0006–(all dash numbers) (with a de-icing system), within 15 hours TIS after the effective date of this AD or within 15 hours TIS after last inspecting the T/R blade as required by paragraph (f)(1) of AD 2020–19–02, whichever occurs first, and thereafter at intervals not to exceed 15 hours TIS; and for T/R blade P/N 330A12–0005–(all dash numbers) (without a de-icing system), within 30 hours TIS after the effective date of this AD, or within 30 hours TIS after last inspecting the T/R blade as required by paragraph (f)(1) of AD 2020–19–02, whichever occurs first, and thereafter at intervals not to exceed 30 hours TIS:

- Accomplishing a visual and in-depth inspection of each T/R blade for debonding. If there is debonding within allowable limits, this AD requires repairing or replacing the T/R blade. If there is debonding that exceeds allowable limits, this AD requires replacing the T/R blade.
- Eddy current inspecting each T/R blade for a crack. If there is a crack, this AD requires replacing the T/R blade.

This AD also prohibits installing an affected T/R blade on any helicopter unless it passes the inspections required by this AD.

Differences Between This AD and the EASA AD

The EASA AD requires returning a T/R blade with a discrepancy to Airbus Helicopters; whereas this AD requires repairing or replacing the T/R blade if there is debonding within allowable limits and replacing the T/R blade if there is debonding that exceeds allowable limits or a crack instead.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because the initial instance of the repetitive inspections must be completed within 15 or 30 hours TIS, a time period of up to approximately two months based on the average flight-hour utilization rates of these helicopters. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0027; Project Identifier MCAI–2021–00048–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit, Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.* Any commentary that the FAA receives which is not specifically designated as

CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 17 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Inspecting the T/R blades for debonding takes about 0.75 work-hour for an estimated cost of $64 per helicopter and $1,088 for the U.S. fleet, per inspection cycle. Eddy current inspecting the T/R blades for a crack takes about 1.75 work-hours for an estimated cost of $149 per helicopter and $2,533 for the U.S. fleet, per inspection cycle.

If required, replacing a T/R blade takes about 4 work-hours and parts cost about $19,000, for an estimated cost of $19,340.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–19–02, Amendment 39–21243 (85 FR 59416, September 22, 2020); and

■ b. Adding the following new airworthiness directive:

2021–04–04 Airbus Helicopters: Amendment 39–21425; Docket No. FAA–2021–0027; Project Identifier MCAI–2021–00048–R.

(a) Effective Date

This airworthiness directive (AD) is effective March 1, 2021.

(b) Affected ADs

This AD replaces AD 2020–19–02, Amendment 39–21243 (85 FR 59416, September 22, 2020) (AD 2020–19–02).

(c) Applicability

This AD applies to Airbus Helicopters Model SA330J helicopters, certificated in any category, with a tail rotor (T/R) blade part number (P/N) 330A12–0005–(all dash numbers) (without a de-icing system) or 330A12–0006–(all dash numbers) (with a de-icing system), installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6410, Tail Rotor Blades.

(e) Unsafe Condition

This AD was prompted by two reports of cracked metal T/R blade skin. The FAA is issuing this AD to address fatigue cracking of a T/R blade. The unsafe condition, if not addressed, could result in failure of a T/R blade and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For T/R blade P/N 330A12–0006–(all dash numbers) (with a de-icing system), within 15 hours time-in-service (TIS) after the effective date of this AD or within 15 hours TIS after last inspecting the T/R blade as required by paragraph (f)(1) of AD 2020–19–02, whichever occurs first, and thereafter at intervals not to exceed 15 hours TIS; and for T/R blade P/N 330A12–0005–(all dash numbers) (without a de-icing system), within 30 hours TIS after the effective date of this AD, or within 30 hours TIS after last inspecting the T/R blade as required by paragraph (f)(1) of AD 2020–19–02, whichever occurs first, and thereafter at intervals not to exceed 30 hours TIS:

(i) Inspect each T/R blade for debonding by following the visual and in-depth inspection procedures in the Accomplishment Instructions, paragraph 3.B.2., of Airbus Helicopters Emergency Alert Service Bulletin No. 05.101, Revision 0, dated March 21, 2016 (EASB 05.101). If there is debonding within allowable limits, before further flight, repair or replace the T/R blade. If there is debonding that exceeds allowable limits, before further flight, replace the T/R blade.

(ii) Eddy current inspect each T/R blade for a crack by following the Accomplishment Instructions, paragraph 3.B.3.a. of EASB 05.101, then either paragraph 3.B.3.b.1. or 3.B.3.b.2. of EASB 05.101 depending on your crack detector, and paragraph 3.B.3.c. of EASB 05.101 except the ''if there are no cracks'' and ''if there are one or several cracks'' steps. Instead of the ''if there are no cracks'' and ''if there are one or several cracks'' steps, if there is a crack, before further flight, replace the T/R blade.

(2) As of the effective date of this AD, do not install a T/R blade identified in paragraph (c) of this AD on any helicopter unless the actions of paragraphs (g)(1)(i) and (ii) of this AD have been accomplished.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Matt Fuller, AD Program Manager, General Aviation & Rotorcraft Unit,

Airworthiness Products Section, Operational Safety Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2016–0059–E, dated March 22, 2016. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0027.

(j) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 7, 2020 (85 FR 59416, September 22, 2020).

(i) Airbus Helicopters Emergency Alert Service Bulletin No. 05.101, Revision 0, dated March 21, 2016.

(ii) [Reserved]

(4) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(5) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on February 3, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03056 Filed 2–10–21; 2:00 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0049; Project Identifier MCAI–2021–00033–A; Amendment 39–21427; AD 2021–04–06]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Pilatus Aircraft Ltd. (Pilatus) Model PC–7 airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a missing release bar retaining screw on a Harley-type buckle assembly installed on a harness shoulder strap. This condition, if not corrected, could lead to loss of pilot restraint and consequently loss of airplane control or injuries to the crew. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 12, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 12, 2021.

The FAA must receive comments on this AD by March 29, 2021.

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

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

For IrvinGQ Limited service information identified in this final rule, contact Pilatus Aircraft Ltd., CH–6371, Stans, Switzerland; phone: +41 848 24 7 365; email: *techsupport.ch@pilatus-aircraft.com;* website: *https://www.pilatus-aircraft.com/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0049.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0049; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Federal Office of Civil Aviation (FOCA), which is the aviation authority for Switzerland, has issued FOCA AD HB–2021–001–E, dated January 8, 2021 (referred to after this as ''the MCAI''), to address the unsafe condition on Pilatus Model PC–7 airplanes. The MCAI states:

> An occurrence was reported where in an in service event a missing release bar retaining screw on a Harley-type buckle assembly installed on a harness shoulder strap on an ejection seat was detected.
>
> This condition, if not corrected, could lead to loss of pilot restraint and consequently loss of aeroplane control or injuries to the crew.
>
> To address this potential unsafe condition, Pilatus and IrvinGQ issued the [service bulletins] SBs to provide inspection instructions.
>
> For the reason described above, this [FOCA] AD requires the inspection of the Harley-type buckle assemblies on the seat harnesses of the front and rear seats, as defined in this AD, and prohibits (re-) installation of affected parts.

FOCA advises that the release bar retaining screws on the affected Harley-type buckle assemblies were incorrectly peened during manufacture. This inadequate peening of the retaining screws has led to loose screws that can potentially be removed by hand or the actual screw falling out of the assemblies. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0049.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this AD because the agency has

determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed IrvinGQ Limited Service Bulletin IGQSB033, Issue 2, dated December 2020 (IrvinGQ SB IGQSB033, Issue 2). This service information provides a listing of the affected parts and specifies procedures for inspecting the Harley-type buckle assemblies and repairing or replacing as necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA also reviewed Pilatus PC–7 Service Bulletin No. 25–015, Revision 1, dated December 22, 2020. This service information specifies inspecting and repairing the Harley-type buckle assemblies in accordance with IrvinGQ SB IGQSB033, Issue 2.

AD Requirements

This AD requires accomplishing the actions specified in the IrvinGQ Limited service information already described.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because detachment of a shoulder strap from the main harness assembly could lead to loss of pilot restraint during operational maneuvers. Because this model airplane is certificated in the acrobatic category, if the pilot is not restrained during aerobatic flight, or even some normal operations, it may result in loss of airplane control, or injuries to the crew. For this reason, the FAA has determined that operators must comply with the actions required by this AD before further flight. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0049 and Project Identifier MCAI–2021–00033–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 21 airplanes of U.S. registry. The FAA also estimates that it would take about .5 work-hour per product to comply with the inspection requirement of this AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of the AD on U.S. operators would be $892.50 or $42.50 per product.

In addition, the FAA estimates that any necessary follow-on repair actions would take .5 work-hour, for a cost of $42.50 per seat harness. The FAA estimates that any necessary replacements that may be required would take 3 work-hours and require parts costing $10,000, for a cost of $10,255 per seat harness. The FAA has no way of determining the number of airplanes that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on

the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2021–04–06 Pilatus Aircraft Ltd.: Amendment 39–21427; Docket No. FAA–2021–0049; Project Identifier MCAI–2021–00033–A.

(a) Effective Date

This airworthiness directive (AD) is effective February 12, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Pilatus Aircraft Ltd. Model PC–7 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2510, Flight Compartment and 2560, Emergency Equipment.

(e) Unsafe Condition

This AD was prompted by a report of a missing release bar retaining screw on a Harley-type buckle assembly installed on a harness shoulder strap. The FAA is issuing this AD to detect and address defective buckle assembly release bar screws. The unsafe condition, if not addressed, could result in loss of pilot restraint with consequent loss of airplane control or injuries to the crew.

(f) Actions and Compliance

(1) For airplanes with a Harley-type seat buckle assembly or buckle component listed in the Effectivity, paragraph 2.A., of IrvinGQ Limited Service Bulletin IGQSB033, Issue 2, dated December 2020 (IrvinGQ SB IGQSB033, Issue 2), before further flight after the effective date of this AD, inspect each seat buckle assembly on the front and rear seats (4 buckle assemblies total) for movement of the release bar retaining screws by following the Accomplishment Instructions, section 3.C.(1), of IrvinGQ SB IGQSB033, Issue 2. If there is any movement of a release bar retaining screw, before further flight, repair or replace the buckle assembly by following the Accomplishment Instructions, section 3.C.(2), of IrvinGQ SB IGQSB033 Issue 2.

(2) As of the effective date of this AD, do not install a Harley-type buckle assembly or buckle component listed in the Effectivity, paragraph 2.A., of IrvinGQ SB IGQSB033 Issue 2, on the seat harness of any airplane unless it has been inspected as required by paragraph (f)(1) of this AD.

(g) Special Flight Permit

A special flight permit may be issued with the following limitations: Operation in areas of known turbulence and aerobatic flight are prohibited.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information.

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

(i) Related Information

(1) Refer to Federal Office of Civil Aviation (FOCA) AD HB–2021–001–E, dated January 8, 2021, for more information. You may examine the FOCA AD at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0049.

(2) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) IrvinGQ Limited Service Bulletin IGQSB033, Issue 2, dated December 2020.

(ii) [Reserved]

(3) For IrvinGQ Limited service information identified in this AD, contact Pilatus Aircraft Ltd., CH–6371, Stans, Switzerland; phone: +41 848 24 7 365; email: *techsupport.ch@pilatus-aircraft.com;* website: *http://www.pilatus-aircraft.com/.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued on February 4, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–02793 Filed 2–10–21; 11:15 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084–AB15

Energy Labeling Rule

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') amends the Energy Labeling Rule (''Rule'') to require EnergyGuide labels for portable air conditioners and issue amendments to central air conditioner labels to conform with Department of Energy (''DOE'') changes to efficiency descriptors.

DATES: Amendatory instructions 1 (authority), 3 (for § 305.2), 5 (for § 305.3), 6 (for § 305.7), 7 (for § 305.10), 8 (for § 305.11), 9 (for § 305.13), 10 (for § 305.18), 12 (for § 305.27), 13 (for appendix E), and 14 (for appendix K2) are effective on October 1, 2022, and amendatory instructions 2 (for part 305), 4 (for § 305.2), and 11 (for § 305.20) are effective on January 1, 2023.

ADDRESSES: Copies of this document are available on the Commission's website, *www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Hampton Newsome (202–326–2889), Attorney, Bureau of Consumer Protection, Federal Trade Commission, Room CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background on the Energy Labeling Rule

The Commission issued the Energy Labeling Rule (''Rule'') in 1979,[1] pursuant to the Energy Policy and Conservation Act of 1975 (''EPCA'').[2] The Rule requires energy labeling for major home appliances and other consumer products to help consumers compare the energy usage and costs of competing models. It also contains labeling requirements for refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, furnaces, central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions.

The Rule requires manufacturers to attach yellow EnergyGuide labels to many of the covered products and prohibits retailers from removing these labels or rendering them illegible. In addition, it directs sellers, including retailers, to post label information on websites and in paper catalogs from which consumers can order products. EnergyGuide labels for most covered products contain three key disclosures: Estimated annual energy cost, a product's energy consumption or energy efficiency rating as determined by DOE test procedures, and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models. The Rule requires marketers to use national average costs for applicable energy sources (*e.g.,* electricity, natural gas, oil) as calculated by DOE in all cost calculations. Under the Rule, the Commission periodically updates comparability range and annual energy cost information based on manufacturer data submitted pursuant to the Rule's reporting requirements.[3]

II. Notice of Proposed Rulemaking

In an April 10, 2020 Notice of Proposed Rulemaking (NPRM) (85 FR 20218), the Commission sought comments on EnergyGuide labels for portable air conditioners, updates to efficiency descriptors for central air conditioner labels, and the need for changes to the current label layout and format requirements.

A. Proposed EnergyGuide Labels for Portable Air Conditioners

The NPRM proposed establishing EnergyGuide labeling for portable air conditioners. Under EPCA, the Commission may require labeling for DOE-designated covered products if it determines labeling will ''assist purchasers in making purchasing decisions'' and will be ''economically and technologically feasible.'' 42 U.S.C. 6294(a)(3). Prior to the NPRM, the Commission sought comment on labeling requirements for portable air conditioners in several previous **Federal Register** notices. In those publications, the Commission discussed the benefits and burdens of such labels, as well as their format and content, which would largely match the labels already required for room air conditioners.[4] Over the course of this proceeding, the Commission found, in accordance with its EPCA authority, labeling for this product category is likely to be economically and technologically feasible and assist consumers in their purchasing decisions.[5] Over several rounds of comments, a wide array of stakeholders, including industry members, utilities, and consumer groups supported (or did not oppose) the proposal.

In 2017, the Commission delayed final label requirements due to uncertainty about when DOE would promulgate efficiency standards for these products.[6] Specifically, in January of that year, DOE withdrew its final efficiency standards from **Federal Register** publication pursuant to the Presidential Memorandum on Implementation of Regulatory Freeze, leaving the final standards compliance date unclear. In early 2020, DOE announced a compliance date for the standards resolving any uncertainty.[7] Accordingly, the Commission then released an NPRM proposing EnergyGuide labels for portable air conditioners and a January 10, 2025 compliance date to coincide with the effective date of the DOE standards.

In previous notices on these issues, the Commission addressed the benefits as well as the economic and technological feasibility of portable air conditioner labels. In a 2015 notice, for example, it found portable air conditioners are common in the marketplace, vary in energy efficiency, and use energy similar to or greater than, currently labeled room air conditioners.[8] In addition, DOE reported the aggregate energy use of portable air conditioners has increased.[9] According to DOE estimates, sellers shipped 1.32 million units in the United States in 2014, with future growth projected.[10]

DOE also found these products exhibit a wide range of efficiency ratings and energy costs for similarly sized units (a difference of about $100 per year between the most and least efficient models). After the 2025 implementation of DOE standards, that range is likely to be smaller, but remain significant (a difference of about $30–$50 depending on the size category as indicated in Appendix E2). DOE estimated average per-household annual electricity consumption for these products at 804 kWh/yr, generating $105 in annual energy costs (at $0.13 per kWh/hr).[11] Given this information, the Commission concluded energy labels are likely to assist consumers with their purchasing decisions by allowing them to compare the energy costs of competing models and, consequently, save significant money on their electric bills.

Further, in the NPRM, the Commission stated there is no evidence labeling is economically or technologically infeasible (*i.e.,* the costs of labeling substantially outweigh consumer benefits). Indeed, the burdens (discussed *infra* in the Paperwork Reduction Act section) of labeling are not likely to differ significantly from those for room air conditioners, which already have EnergyGuide labels.[12]

As discussed in the NPRM, the proposed portable air conditioner label would be mostly identical to the current room air conditioner label in content, format, and placement (*i.e.,* on packaging, not the product itself). The proposed amendments incorporated DOE's definition of ''portable air

[1] 44 FR 66466 (Nov. 19, 1979).

[2] 42 U.S.C. 6294. EPCA also requires the Department of Energy (''DOE'') to develop test procedures that measure how much energy appliances use, and to determine the representative average cost a consumer pays for different types of energy.

[3] 16 CFR 305.10.

[4] 79 FR 34642 (June 18, 2014); 80 FR 67351 (Nov. 2, 2015); 81 FR 62681 (Sept. 12, 2016); and 82 FR 29230 (June 28, 2017). Earlier in this proceeding, the Commission waited on label requirements pending a final DOE-issued test procedure for these products. DOE published that test procedure on June 1, 2016 (81 FR 35242), and it became mandatory for energy use representations on November 28, 2016.

[5] 80 FR at 67357; and 81 FR at 62683. In discussing similar economic and technological feasibility determinations for labels in 1979, the Commission concluded ''that Congress['s] intent was to permit the exclusion of any product category, if the Commission found that the costs of the labeling program would substantially outweigh any potential benefits to consumers.'' 44 FR at 66467–68 (discussing determinations under 42 U.S.C. 6294(a)(1)).

[6] 82 FR at 29232.

[7] 85 FR 1378 (Jan. 10, 2020).

[8] 80 FR at 67357–58.

[9] *See* 78 FR 40403, 40404–05 (July 5, 2013).

[10] The most recent DOE shipment statistics are from 2014. 85 FR 1378; and ''*2016–12 Final Rule Technical Support Document: Energy Efficiency Program for Consumer Products and Commercial and Industrial Equipment: Portable Air Conditioners*'' (''DOE TSD'') December 2016 at *https://www.regulations.gov/document?D=EERE-2013-BT-STD-0033-0047.*

[11] DOE TSD at Table 7.3.2.

[12] *See* 80 FR at 67357 and 81 FR at 62683.

conditioner'' at § 305.3.[13] Applying the same electricity cost rate ($0.13 kWh/hr) currently used for room air conditioners, the NPRM also contained cost ranges specifically for portable air conditioners in three size categories and derived from DOE energy use data.[14] Consistent with findings made in the 2016 and 2017 notices, the NPRM did not propose combining the ranges for portable and room air conditioners because it is not clear whether consumers routinely compare the two product categories when shopping.[15] However, consumers who want to compare them would be able to do so easily using the label's energy cost disclosure. In addition, consistent with provisions applicable to room air conditioners, the proposed amendments contained reporting requirements identical to those created by DOE for these products.

Finally, in the NPRM, the Commission proposed establishing an effective date for the label coinciding with the compliance date for DOE standards. Citing burdens associated with testing and labeling, industry comments earlier in this proceeding urged the Commission to synchronize any new labeling requirements with the DOE standards compliance date.[16]

B. Efficiency Descriptors for Central Air Conditioners

In the NPRM, the Commission also sought comments on updates to the efficiency descriptors on central air conditioner labels. In 2017, as part of an efficiency standards proceeding, DOE announced changes to the rating methods and associated efficiency descriptors for central air conditioners (*e.g.,* from ''Seasonal Energy Efficiency Ratio (SEER)'' to ''Seasonal Energy Efficiency Ratio 2 (SEER2)'').[17] The DOE changes become effective on January 1, 2023. To ensure consistency with the DOE standards, the NPRM proposed changing all applicable references in Part 305, effective on January 1, 2023. Given the relatively small differences in the ratings produced by the old and the new rating methods, the Commission did not propose any additional label changes. The Commission noted plans to update ranges in Appendix H and I, as well as applicable numbers on the sample labels in Appendix L, when new data becomes available.

C. Questions on Label Layout and Format Requirements

The Commission also requested comment on whether it should revise requirements in the Rule related to layout, format, and placement of EnergyGuide labels. Specifically, the NPRM asked whether some of these requirements (*e.g.,* § 305.13(b)) are too prescriptive. In addition, the NPRM asked whether the Rule should contain a general label durability and disclosure format requirement in lieu of the existing, specific provisions for layout, type style, setting, and label attachment. The NPRM also asked whether industry members interpret existing guidance in the Rule related to adhesive labels as a ''required standard.'' Finally, the NPRM contained several questions about the Rule's cost and benefits and the potential impact of more flexible requirements.

V. Comments on the NPRM

The Commission received seven comments in response to the NPRM.[18] As detailed below, the commenters generally supported (or did not oppose) labels for portable air conditioners and the transition to the new DOE efficiency descriptors. However, they provided differing views on the need to revise existing label requirements. Finally, some commenters offered broad suggestions for replacing physical labels with electronic labels.

A. Portable Air Conditioner Labels

All the commenters supported (or did not oppose) adding portable air conditioner labels to the Rule.[19] As discussed below, they asserted the labels' energy cost information would help consumers choose among portable air conditioners and alert them to the relative cost of portable and room models. The commenters also supported providing comparability ranges separate from room air conditioners.

The comments emphasized the label's consumer benefits. For example, CFA explained the labels ''will provide significant value to consumers making purchasing decisions.'' The Joint Commenters noted the energy costs disclosures ''will correctly indicate to consumers that portable units are typically less efficient than room air conditioners.'' AHAM, which represents portable air conditioner manufacturers, did not oppose the label but, as discussed further below, urged the Commission to eliminate physical labels for all products and transition to an electronic label structure.

The commenters supported (or did not oppose) separate comparability ranges for portable and room air conditioners. AHAM, which ''fully agreed'' with the proposed approach on ranges, explained ''consumers can adequately compare the two products, to the extent they even wish to do so for these two different products, easily using the label's energy cost disclosure.'' Referencing earlier comments, it argued combining the ranges would cause confusion because consumers of these products are different, and the two air conditioner categories do not have similar usage. AHAM also argued consumers focus mostly on capacity and purchase price when buying air conditioner units and thus may not use comparative energy costs information between the two categories.

Commenters further recommended two additional items. First, two commenters noted the regulatory text in § 305.10 should include a reference for DOE capacity and rounding determinations for portable air conditioners (Appendix CC to 10 CFR part 430, subpart B).[20] Second, the CA IOUs recommended statements on product packaging and literature about proper portable air conditioner operation, explaining the need for ducting to vent the heat produced by a unit to the outside.

Commenters, however, offered differing views on the timing for the new labels. AHAM strongly supported a compliance date coinciding with the DOE standards. It asserted that designing products to meet the new standards requires ''considerable effort,'' a fact reflected in EPCA's five-year lead-

[13] To effect new labeling requirements, the proposed amendments inserted the term ''portable air conditioner'' next to ''room air conditioner'' into appropriate paragraphs of the Rule as detailed in the amendatory language included in this Notice.

[14] *See* DOE TSD, Chapter 3 at 24–25 and Ch. 5 at 5–20. Using estimates for the most energy consumptive models based on the DOE standards, the ranges by size category expressed in yearly energy consumption are: (1) Less than 6,000 Btu/hr: (375–753 kWh/yr), (2) 6,000 to 7,999 Btu/hr: (663–916 kWh/yr), and (3) 8,000 Btu/yr or greater: (807–1034 kWh/yr).

[15] 81 FR at 62682; and 82 FR at 29231–29232.

[16] 82 FR 29231.

[17] 82 FR 1786 (Jan. 6, 2017); and 82 FR 24211 (May 26, 2017).

[18] The comments are available at *www.regulations.gov.* The comments consist of Air-Conditioning, Heating, and Refrigeration Institute (AHRI) (#33–09); Association of Home Appliance Manufacturers (AHAM) (#33–04); Appliance Standards Awareness Project (ASAP) (including American Council for an Energy-Efficient Economy (ACEEE), National Consumer Law Center, on behalf of its low-income clients (NCLC), Natural Resources Defense Council (NRDC), & Northwest Energy Efficiency Alliance (NEEA)) (ASAP *et al.*) (#33–06); Goodman Manufacturing (#33–08); Jieun Rim (#33–02); Consumer Federation of America, National Consumer Law Center, Sierra Club, Earthjustice (''Joint Commenters'') (#33–05); and the California Investor-Owned Utilities (Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison) (CA IOUs) (#33–07).

[19] Joint Commenters, Jieun Rim, and ASAP *et al.* supported the proposal. AHAM stated that it did not oppose the labeling.

[20] See ASAP *et al.* and AHAM.

in period for DOE standards. According to AHAM, the pre-development, development, and tooling phases of launching a new product take years to complete and require extensive company resources. In its view, instituting a label mandate prior to the DOE compliance date would require companies to divert resources from developing new, more efficient products to labeling. AHAM also explained that aligning the compliance dates with the DOE standards and EnergyGuide labels would allow manufacturers to engage in the extensive development and testing activities required to innovate and bring more efficient products to market, as well as to comply with regulatory requirements.

In contrast, the Joint Commenters, ASAP *et al.,* and the California Investor-Owned Utilities (CA IOUs) disagreed. The Joint Commenters argued consumers who currently lack the protection of a DOE minimum efficiency standard should have access to labels sooner to help identify and avoid inefficient models. Given the delays in the proceeding caused by the DOE litigation, these commenters argued manufacturers have had ''ample time to make the investments they have claimed are necessary to deploy the labels.'' In addition, with the issuance of DOE's test procedure in 2016, manufacturers must, pursuant to EPCA (42 U.S.C. 6293(c)), disclose the DOE results in any energy representations they make. Thus, according to the Joint Commenters, manufacturers ''have had more than three years to gain familiarity with the test procedures and to understand how different basic models perform under test.'' The CA IOUs also noted manufacturers are currently reporting their models' efficiency ratings to the California state database. ASAP *et al.* agreed FTC should require labeling sooner, stating: ''[l]abeling in advance of the compliance date of the DOE standards will provide consumers with information to compare portable AC units as well as an indication that portable ACs are less efficient than room ACs.''

B. Energy Efficiency Descriptor Transition

AHRI, Goodman, and the CA–IOUs generally supported the proposal to update the efficiency descriptors on the label. No commenter opposed the proposal. However, AHRI and Goodman urged the Commission to issue these updates as part of a broader overhaul to the Rule, which, as discussed in section V.C., would involve a transition from physical labels on individual units to online labels accessed through websites or QR codes.

These commenters also discussed the importance of updating the efficiency descriptors. In preparation for the DOE change, AHRI's members are designing, testing, certifying, and introducing new equipment. They are also educating industry members and consumers by modifying AHRI's product directory and certification program. AHRI expects manufacturers to release products with updated efficiency descriptors prior to the 2023 compliance deadline. DOE has issued guidance allowing early compliance with the test procedures, as long as the represented efficiencies comply with the 2023 minimum requirements. Given this timing, AHRI urged the Commission to complete label updates by summer 2021, so manufacturers may release compliant products as early as January 2022. In contrast, Goodman urged the Commission to issue the updates earlier, by December 2020, to give manufacturers even more time.

To minimize market confusion from such early compliance, AHRI is developing a communications campaign ''to inform distributors, contractors, regulators, and building inspectors about the transition.'' AHRI did not offer any specific proposals for addressing the transition on the physical label itself. It also opposed any FTC mandate for two separate labels requiring disclosures of the old and new metrics. Instead, it recommended a transition to an ''electronic label'' beginning in 2023 as discussed further below. Prior to that date, under AHRI's proposal, manufacturers choosing to display the new efficiency descriptor earlier would use the physical EnergyGuide label along with a smaller label containing regional installation information, as well as a QR (or equivalent) link to an updated FTC electronic label.

Finally, on a separate issue involving central air conditioners, Goodman suggested the Commission modify range information for split-systems to revert to a format that appeared on labels prior to 2016. In its view, the current label, which limits the efficiency ratings to a single value, leads to consumer confusion because the actual efficiency rating for a system depends on the combination of the outdoor condenser and indoor unit.

C. Label Burdens

Commenters offered a variety of views regarding the Rule's approach to labeling. First, the Joint Commenters, the CA IOUs, and Goodman offered differing views on whether the Rule's labeling requirements are ''unnecessarily prescriptive.'' Second, as discussed in section D, both AHAM and AHRI recommended the Commission completely revise the Rule to transition to online or virtual energy labels.

The Joint Commenters and the CA IOUs rejected the notion that the Rule's requirements for label layout, type style and setting, and label adhesion are too prescriptive. In the CA IOUs' view, increased flexibility in the labeling requirements ''could result in poor or inconsistent label quality that could inhibit consumers from making informed decisions regarding product performance.'' Further, they asserted that uniform presentation facilitates effective ''information delivery'' and avoids ''unnecessary confusion.'' The CA IOUs further suggested the labels would better serve consumers if they appeared on both packages and the products themselves. Similarly, the Joint Commenters described the label specifications as ''vital to the success of this program'' and contended the questions in the NPRM ignore the ''unique context and history of the EnergyGuide label program.'' In their view, because the EnergyGuide label has more information (*e.g.,* operating costs, efficiency ratings, comparative range bars, key product features, and explanatory statements) than many other required disclosures in other programs (*e.g.,* labels for textiles and leather goods), the energy labels require a format ''highly standardized to ease comparisons.'' In addition, they argued allowing variability in layout and type style would hinder the label's effectiveness in assisting consumers with their purchasing decisions.

Finally, the Joint Commenters asserted the NPRM's questions regarding label flexibility ''exhibits amnesia as to the widespread noncompliance that the inadequate specificity in [the FTC's] prior regulations had fostered.'' The commenters cited past store visits demonstrating ''the use of adhesives varied widely and that certain approaches were associated with higher rates of missing or detached labels.'' The Joint Commenters noted that, in response to these findings, FTC added ''specificity to its regulations governing adhesives.'' In their view, reducing this specificity would ''only encourage a return to labelling practices that deprive consumers of access to the important information that EnergyGuide labels provide.''

In contrast, Goodman, a heating and cooling equipment manufacturer, offered several detailed suggestions to eliminate specific labeling requirements in § 305.20. It argued that these changes

would simplify the Rule and free ''businesses from unnecessarily prescriptive requirements.'' Specifically, Goodman recommended the Rule specify only minimum dimensions instead of the current range of widths and lengths and include only whole number minimums (*e.g.,* 7 inches for the length as opposed to 7⅜ inches). It also suggested removal of requirements related to picas for copy set, the centering of text, and type style and setting, which includes requirements for a uniform font type. Goodman also recommended elimination of the existing paper stock requirement (''58 pounds per 500 sheets or equivalent'') and minimum peel adhesion capacity (''12 ounces per square inch''). Finally, it claimed the suggested minimum peel adhesion capacity in § 305.20(d) ''is typically taken to be'' a requirement despite the Rule's language to the contrary.

D. Transition to Electronic Labeling

Three commenters discussed issues beyond whether the Rule's specific label requirements should be less prescriptive. Specifically, AHAM, AHRI, and Goodman urged the Commission to consider ''whether physical labels continue to provide value to consumers.'' AHAM, whose members manufacture large household appliances, such as refrigerators and dishwashers, argued the ''showroom focus'' of the label is outdated and recommended a ''transition away from physical labels'' and a shift to a program providing label content solely online. In addition to helping manufacturers by significantly reducing compliance costs, AHAM argued such an approach would help consumers by reflecting evolving shopping patterns. According to AHAM, the majority of consumers research appliances online before entering a store or purchasing from a website. Moreover, energy efficiency is not a primary factor in consumers' appliance purchases. Instead, according to AHAM, consumers focus on other factors, primarily purchase ''cost.'' Should the FTC retain requirements for a physical label, AHAM recommended more flexible requirements, but also urged the Commission to retain the existing label specifications as a safe harbor. According to AHAM, companies have invested time and resources in developing labels compliant with the existing requirements. A safe harbor would allow them to benefit from these investments and provide more certainty even if the Commission shifts to less detailed regulations.

In AHAM's view, conditions have changed even in the last decade, and significant opportunities exist to permit ''the electronic delivery of label information.'' It noted the Commission has already laid the groundwork for such a shift by requiring manufacturers to provide electronic access to label content (*e.g.,* § 305.9 (online availability of labels) and § 305.11 (submission of website address for online labels)). With these regulatory requirements in place, AHAM predicted a transition to electronic labels would involve a ''small step'' that would ''dramatically reduce regulatory burden and cost'' and eliminate the redundancy of requiring labels in both digital and paper format. AHAM asserted such a change would allow consumers ''to access the content in the form and manner that best suits them'' and allow them to ''readily access the content wherever they may be researching their purchase.'' It also suggested such a shift would allow retailers to access labels from the DOE Compliance Certification Management System (CCMS) and provide flexibility to ''present the label content through printouts, electronic displays, or other means'' suitable to consumer needs. In addition, an online format would allow manufacturers to more easily update labels and make corrections to online content. Finally, AHAM urged the Commission to coordinate such efforts with Canada to ''align data elements, reporting and content.''

AHRI and Goodman offered similar suggestions but focused their comments on specific aspects of heating and cooling equipment. AHRI noted the FTC has the discretion under EPCA (42 U.S.C. 6294(a)) to discontinue the use of EnergyGuide labels for central air conditioners and heat pumps if it determines the label does not assist consumers in making purchasing decisions. It agreed with AHAM that the FTC has ''already taken the most dramatic step forward in the virtual revolution by requiring all manufacturers to have a pdf or link version of its FTC label available online.'' Nevertheless, according to AHRI, the label's small value for heating and cooling equipment renders its administrative burden ''outsized.'' However, as discussed below, AHRI did not recommend the ''wholesale retirement of EnergyGuide labels,'' but rather a ''modernization'' using QR codes and electronic labels to inform consumers without requiring ''anachronistic prescriptive stickers.''

In discussing the Rule's current approach, AHRI argued the label on central air conditioners does not help consumers with their purchasing decisions because consumers generally do not buy these products ''off-the-shelf'' in retail stores and, for new home purchases, a builder (not the consumer) typically chooses equipment. In addition, contractors usually sell replacement products in the consumer's home, often in urgent situations. In such transactions, contractors usually provide homeowners with information about their products using the ''manufacturer's literature, the AHRI Directory of Certified Product Performance, energy code requirements, incentive programs, and specific design features.'' AHRI also argued, given the many different efficiency ratings of various outdoor-indoor unit combinations, ''the actual value of the physical label is questionable at best.'' Accordingly, not only are consumers unlikely to view the label prior to purchase, information provided directly by the contractor, including efficiency ratings for various unit combinations, is ''significantly more accurate.''

In lieu of the current labeling approach, AHRI recommended a modified, smaller label giving both electronic access to consumer information online (*e.g.,* through a QR code), as well as regional standards compliance statements in ''clear text.'' In AHRI's view, this approach would bring ''the cost-benefit equation'' of the labeling program ''into balance.'' It would also allow consumers to learn about the product's efficiency, while dramatically reducing the burden associated with affixing labels to the equipment.

V. Final Amendments

The Commission issues the final amendments as proposed, with modifications discussed below. The amendments finalize the labeling requirements for portable air conditioners with a compliance date coinciding with the DOE standards. Additionally, the amendments contain the proposed changes to the efficiency descriptors on central air conditioner labels. The Commission, however, declines to propose additional wide-ranging changes (*e.g.,* a transition to electronic labeling) to the EnergyGuide program at this time. Instead, the Commission may seek further comment on these issues, including the elimination of physical labels, in a future proceeding, where the Commission could gather the evidence necessary to fully consider significant amendments to the entire Rule.

A. Portable Air Conditioner Labels

As proposed in the NPRM and supported by commenters, the Commission adopts the proposed amendments containing new labeling

rules for portable air conditioners. As detailed in this and previous notices, these products are common in the marketplace, vary in energy efficiency, and use energy similar to, or greater than, currently labeled room air conditioners.[21] Further, energy labels for these products are likely to assist consumers with purchasing decisions by allowing them to compare the energy costs of competing models and, consequently, save significantly on their electric bills. In addition, there is no evidence labeling is economically or technologically infeasible (*i.e.,* that the costs of labeling substantially outweigh consumer benefits).[22]

After considering the comments, the Commission adjusts the compliance date to October 1, 2022.[23] As some commenters noted, manufacturers have sufficient information to create labels because, pursuant to 42 U.S.C. 6293(c), they have been testing their products since 2016 using the DOE procedure to substantiate any energy-related claims (including unit capacity) for all their models. Therefore, the proposed 2025 compliance date appears to be overly long, particularly given the expected consumer benefits from labeling very low efficiency units prior to the DOE standards. The Commission, however, understands such packaging changes can take time, particularly where manufacturers must redesign their box labels to accommodate the EnergyGuide. Accordingly, the final amendments establish an October 2022 compliance date to provide companies ample time to incorporate the label into packaging while getting these labels into the market sooner than originally proposed. As the Commission has noted in the past, manufacturers generally deploy their lines for these types of products on an annual basis beginning in October of each year.[24] The final compliance date, which coincides with the beginning of the model year, will allow manufacturers to incorporate the changes into their normal production schedules with minimal disruption. In addition, the Rule allows manufacturers to incorporate the label into the primary packaging display or affix them to label packaging (relieving them from redesigning boxes for models scheduled to be phased out before the 2025 standards).[25]

The final amendments also contain several other minor changes for the portable air conditioner labels in response to comments.[26] First, the final Rule requires manufacturers to determine model capacity using the DOE testing requirements specifically applicable to portable air conditioners. Second, the final amendments contain a small change to the language in § 305.18(a)(9) to clarify that the comparative information on the portable air conditioners applies to models of similar capacity only (without the various configurations applicable to room air conditioners).[27]

B. Energy Efficiency Descriptor Transition

The final Rule adopts the proposed amendments to require manufacturers to update the efficiency descriptors for central air conditioners to conform to pending DOE changes. The change for all applicable references in Part 305 will become effective on January 1, 2023 to ensure consistency with the new DOE requirements. To aid the transition, manufacturers may begin using the new information prior to January 1, 2023 in a manner consistent with DOE guidance. Given the relatively small differences produced by the old and the new rating methods, the amendments do not require dual labels or any additional explanatory information. As indicated in its comments, AHRI is developing a communications campaign to help various entities with the transition to the new descriptors. In addition, as part of the scheduled 2022 update to comparability ranges for all product classes (§ 305.12), the Commission will update ranges in Appendix H and I, as well as applicable numbers and terms on the sample labels in Appendix L.

C. Label Burdens and Electronic Labeling

The final amendments do not make any broad changes to the Rule, although commenters recommended a wide array of potential changes. For instance, both AHRI and AHAM recommended a transition away from the current physical label to a system that relies on electronic web-based labels or energy data to aid consumer purchasing decisions. Although these proposals warrant further exploration, such broad issues would require additional rounds of notice and comment to consider and develop. Accordingly, the Commission may consider those proposals during a future proceeding to avoid delay in promulgating the present amendments for portable air conditioner labels and update to efficiency descriptors for central air conditioners.

These broad industry suggestions are part of a larger inquiry about the Rule's future, particularly as online information continues to become more prevalent and consumer shopping habits change. EPCA's basic labeling provisions, developed in the 1970's, are predicated upon an understanding that consumers routinely examine and purchase products in retail showrooms with little prior information. Further, to ensure any covered product displayed in a showroom bears a label, the Rule requires manufacturers to affix the label on every unit it produces, apparently based on the expectation that any unit may be displayed in a store.

Over the years, however, buying patterns have changed. Consumers now frequently compare and purchase products without ever visiting a store. To help consumers in this evolving marketplace, the Commission's revisions in the last several years reflect these new buying patterns. Specifically, the FTC previously updated the Rule with clear requirements that retailers display labels on websites (§ 305.27), for manufacturers to make their labels accessible online (§ 305.9), and for manufacturers to submit links to those labels as part of their routine data reports filed through DOE's CCMS (§ 305.11).

Further amendments may reduce burdens while ensuring energy information is available to consumers. For instance, the Commission could examine whether the Rule should continue to require manufacturers to affix a display-ready EnergyGuide label on every appliance typically displayed in showrooms. Indeed, only a tiny fraction of units shipped actually appear in retail store displays, while the costs of affixing display-ready labels to all units can impose significant burden. On the other hand, past commenters have noted that consumers use the label affixed to their old product in choosing a new one.

In addition, the Commission could consider changes to the label content to help consumers better compare products and understand issues not currently communicated by the label, such as climate change impacts, Smart

[21] 80 FR at 67357–58.

[22] *See* 80 FR at 67357 and 81 FR at 62683.

[23] Specifically, manufacturers must include the new label on all units produced on or after that date.

[24] 83 FR 7593, 7594 (Feb. 22, 2018).

[25] 80 FR 67285, 67293 (Nov. 2, 2015).

[26] The final amendments also contain minor changes in section 305.27 (Paper Catalogs and websites) to include references to portable air conditioners.

[27] As with the room air conditioner labels, the portable air conditioner labels include the operating assumptions behind the energy cost estimates. In addition, the amendments do not contain requirements related to the need for ducting. Manufacturers have an incentive to ensure consumers understand how to operate their products properly and should not need a mandate from the FTC to do so. However, should problems arise in the marketplace, the Commission may reconsider such requirements in the future.

Grid technologies, and better ways to display comparative energy cost information. However, without further commenter input, we do not know how valuable this information would be for consumers, and how easy it would be to convey such information with existing DOE-generated data.

These issues represent a few of many possible issues the Commission could consider in a future proceeding. In weighing any alternatives to the Rule, the Commission would need to ensure any new approach is consistent with its existing authority under EPCA. The Commission must also ensure consumers have access to clear, truthful energy information to assist them in their purchasing decisions while minimizing burdens placed on industry members. Fully evaluating these issues requires a more extensive proceeding focused from the outset at broad issues affecting the Rule in the 21st century.

The Commission also declines to propose amendments to eliminate the current physical labels for central air conditioners and replace them with a smaller label with a QR code (or its equivalent) linking consumers to online content as AHRI and Goodman recommended. Such substantial changes to the labeling program would require further study and consideration in a future rulemaking proceeding. In the meantime, the updated EnergyGuide label for central air conditioners, which contains both EPCA-mandated energy efficiency ratings and regional standards information for installers, will continue to aid both consumers and industry members.

Finally, the Commission may consider changes to the detailed label requirements (*e.g.,* the changes to current label layout and content advocated by Goodman) in a future proceeding. Some of the Rule's detailed requirements mentioned in the NPRM may have indeed become obsolete. At the same time, detailed, uniform requirements for consumer labels like the EnergyGuide provide benefits to consumers by presenting information in a format that allows consumers to easily compare products across multiple categories. Moreover, the FTC's online, editable EnergyGuide templates already include all the label's general information in the size, font, and location required by the Rule and thus largely free manufacturers from having to navigate the detailed format requirements.

VI. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by the Paperwork Reduction Act (''PRA'').[28] Under the PRA, an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement, unless it displays a currently valid Office of Management and Budget (''OMB'') control number. OMB has approved the Rule's existing information collection requirements through December 31, 2022 (OMB Control No. 3084–0069).

The amendments include new labeling requirements for portable air conditioners that constitute information collections under the PRA. The Commission submitted these proposed information collections for review by OMB in conjunction with its publication of the NPRM. The Commission received no comments pertaining to its PRA estimates. OMB has approved these amended information collection requirements under the existing control number for the Rule (3084–0069).

Burden estimates below are based on Census data, DOE figures and estimates, public comments, general knowledge of manufacturing practices, and trade association advice and figures. The FTC estimates there are about 150 basic models of portable air conditioners (*i.e.,* units with essentially identical physical and electrical characteristics). In addition, FTC staff estimates there are 45 portable air conditioner manufacturers and 1,500,000 portable air conditioner units shipped each year in the U.S.

Reporting: The Rule requires manufacturers of covered products to annually submit a report for each model in current production containing the same information that must be submitted to the Department of Energy pursuant to 10 CFR part 429. In lieu of submitting the required information to the Commission, manufacturers may submit such information to DOE directly via the agency's Compliance Certification Management System, available at *https://regulations.doe.gov/ccms,* as provided by 10 CFR 429.12. Because manufacturers are already required to submit these reports to DOE, FTC staff estimates any additional burden associated with providing the information to the FTC is minimal. FTC staff estimates the average reporting burden for manufacturers of portable air conditioners will be approximately 15 hours per manufacturer. Based on this estimate, the annual reporting burden for manufacturers of portable air conditioners is 675 hours (15 hours × 45 manufacturers).[29] Staff estimates that information processing staff, at an hourly rate of $16.24,[30] will typically perform the required tasks, for an estimated annual labor cost of $10,962.

Labeling: The amendments require that manufacturers label portable air conditioners. The burden imposed by this requirement consists of the time needed to draft labels and incorporate them onto package designs. Since EPCA and the Rule specify the content and format for the required labels and FTC staff provide online label templates, manufacturers need only input the energy consumption figures and other product-specific information derived from testing. FTC staff estimates the time to incorporate the required information into labels and label covered products is five hours per basic model. Accordingly, staff estimates that the approximate annual burden involved in labeling covered products is 750 hours [150 basic models × 5 hours]. Staff estimates that information processing staff, at an hourly rate of $16.24,[31] will typically perform the required tasks, for an estimated annual labor cost of $12,180.

Testing: Manufacturers of portable air conditioners must test each basic model they produce to determine energy usage, but the majority of tests conducted are required by DOE rules. As a result, it is likely only a small portion of the tests conducted are attributable to the Rule's requirements. In addition, manufacturers need not subject each basic model to testing annually; they must retest only if the product design changes in such a way as to affect energy consumption. FTC staff estimates manufacturers will require approximately 36 hours for testing of portable air conditioners,[32] and that 25% of all basic models are tested annually due to the Rule's requirements. Accordingly, the estimated annual testing burden for portable air

[28] 44 U.S.C. 3501 *et seq.; see also* 5 CFR 1320.3(c).

[29] In earlier comments, AHAM (#681–00012) estimated the data entry involved in filing reports with the FTC is not particularly burdensome, but estimated that other tasks involved in reporting (such as performing the required testing and gathering information) could take as long as 40 hours per manufacturer. As noted above, however, testing and reporting are required and accounted for in DOE regulations. As a result, staff estimates that the primary burdens associated with reporting are due to DOE requirements.

[30] These labor cost estimates are derived from the Bureau of Labor Statistics figures in ''Table 1.'' National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2018,'' available at: *https://www.bls.gov/news.release/ocwage.t01.htm.*

[31] *Id.*

[32] AHAM estimated manufacturers would require 32 hours per model for testing and up to 4 hours for preparing the test data. AHAM Comment, #681–0016.

conditioners is 1,368 hours ((150 basic models × 25%) × 36 hours). Staff estimates that engineering technicians, at an hourly rate of $28.37,[33] will typically perform the required tasks, for an estimated annual labor cost of $38,300.

Recordkeeping: The Rule also requires manufacturers of covered products to retain records of test data generated in performing the tests to derive information included on labels. *See* 16 CFR 305.21. The FTC estimates the annual recordkeeping burden for manufacturers of portable air conditioners will be approximately one minute per basic model to store relevant data. Accordingly, the estimated annual recordkeeping burden would be approximately 3 hours (150 basic models × one minute). Staff estimates that information processing staff, at an hourly rate of $16.24,[34] will typically perform the required tasks, for an estimated annual labor cost of $50.

Online and Retail Catalog Disclosures: Staff estimates there are approximately 400 sellers of products covered under the Rule who are subject to the Rule's catalog disclosure requirements. Staff has previously estimated covered online and catalog sellers spend approximately 17 hours per year to incorporate relevant product data for products that are currently covered by the Rule. Staff estimates the portable air conditioner requirements will add one additional hour per year in incremental burden per seller. Staff estimates these additions will result in an incremental burden of 400 hours (400 sellers × one hour annually). Staff estimates that information processing staff, at an hourly rate of $16.24,[35] will typically perform the required tasks, for an estimated incremental annual labor cost of $6,496.

Estimated annual non-labor cost burden: Staff anticipates that manufacturers are not likely to require any significant capital costs to comply with the amendments.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 through 612, requires the Commission provide an Initial Regulatory Flexibility Analysis (IRFA) with a proposed rule and a Final Regulatory Flexibility Analysis (FRFA), with the final rule, if any, unless the Commission certifies that the rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603 through 605. The Commission does not anticipate that the amendments will have a significant economic impact on a substantial number of small entities. The Commission recognizes that some of the affected manufacturers may qualify as small businesses under the relevant thresholds. The Commission estimates that the amendments will apply to 300 online and paper catalog sellers of covered products and about 45 portable air conditioner manufacturers. The Commission expects that approximately 150 of these various entities qualify as small businesses.

Although the Commission has certified under the RFA that the amendments would not have a significant impact on a substantial number of small entities, the Commission has determined, nonetheless, that it is appropriate to publish an FRFA in order to explain the impact of the amendments on small entities as follows:

A. Description of the Reasons That Action by the Agency Is Being Taken

Based upon the record, including public comments, the Commission is amending the Rule to expand product coverage and make additional improvements to the Rule to help consumers in their purchasing decisions for portable air conditioners.

B. Issues Raised by Comments in Response to the IRFA

The Commission did not receive any comments specifically related to the impact of the final amendments on small businesses. In addition, the Chief Counsel for Advocacy of the Small Business Administration did not submit comments.

C. Estimate of Number of Small Entities to Which the Amendments Will Apply

Under the Small Business Size Standards issued by the Small Business Administration, appliance manufacturers qualify as small businesses if they have fewer than 500 employees. Catalog sellers qualify as small businesses if their sales are less than $8.0 million annually. The Commission estimates that there are approximately 150 entities subject to the final amendments that qualify as small businesses. The Commission estimates that the amendments will not have a significant impact on small businesses.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements

The amendments will slightly increase reporting, recordkeeping, and disclosure requirements associated with the Commission's labeling rules as discussed above. The amendments likely will increase compliance burdens by extending the labeling requirements to portable air conditioners. The Commission anticipates that the label design change will be implemented by graphic designers.

E. Description of Steps Taken To Minimize Significant Economic Impact, if Any, on Small Entities, Including Alternatives

The Commission sought comment and information on the need, if any, for alternative compliance methods that would reduce the economic impact of the Rule on such small entities. To allow time for industry to come into compliance with the revised Rule and minimize the impact of the amendments on covered entities, the Commission has given manufacturers until October 1, 2022 to implement portable air conditioner labels. The Commission may consider other proposals related to electronic labeling and additional issues in a future proceeding.

VIII. Other Matters

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

Final Rule Language

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

For the reasons stated above, the Commission amends part 305 of title 16 of the Code of Federal Regulations as follows:

PART 305—ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT (''ENERGY LABELING RULE'')

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

■ 2. In part 305, effective January 1, 2023:

■ a. Revise all references to ''seasonal energy efficiency ratio (SEER)'' to read ''seasonal energy efficiency ratio 2 (SEER2)'';

■ b. Revise all references to ''SEER'' to read ''SEER2'';

■ c. Revise all references to ''heating seasonal performance factor'' to read ''heating seasonal performance factor 2'';

[33] *See supra* note 20.

[34] *Id.*

[35] *Id.*

■ d. Revise all references to ''HSPF'' to read ''HSPF2'';

■ e. Revise all references to ''Energy Efficiency Ratio'' to read ''Energy Efficiency Ratio 2''; and

■ f. Revise all references to ''EER'' to read ''EER2.''

■ 3. In § 305.2, effective October 1, 2022, redesignate paragraph (l)(23) as (l)(24) and add new paragraph (l)(23) to read as follows:

§ 305.2 Definitions.

* * * * *

(l) * * *

(23) Portable air conditioners.

* * * * *

■ 4. In § 305.2, effective January 1, 2023, revise paragraph (p) to read as follows:

§ 305.2 Definitions.

* * * * *

(p) *Energy efficiency rating* means the following product-specific energy usage descriptors: Annual fuel utilization efficiency (AFUE) for furnaces; combined energy efficiency ratio (CEER) for room and portable air conditioners; seasonal energy efficiency ratio 2 (SEER2) for the cooling function of central air conditioners and heat pumps; heating seasonal performance factor 2 (HSPF2) for the heating function of heat pumps; airflow efficiency for ceiling fans; and, thermal efficiency (TE) for pool heaters, as these descriptors are determined in accordance with tests prescribed under section 323 of the Act (42 U.S.C. 6293). These product-specific energy usage descriptors shall be used in satisfying all the requirements of this part.

* * * * *

■ 5. In § 305.3, effective October 1, 2022, add paragraph (j) to read as follows:

§ 305.3 Description of appliances and consumer electronics.

* * * * *

(j) *Portable air conditioner* means a portable encased assembly, other than a packaged terminal air conditioner, room air conditioner, or dehumidifier, that delivers cooled, conditioned air to an enclosed space, and is powered by single-phase electric current. It includes a source of refrigeration and may include additional means for air circulation and heating.

■ 6. In § 305.7, effective October 1, 2022, add paragraph (e)(3) to read as follows:

§ 305.7 Prohibited acts.

* * * * *

(e) * * *

(3) The requirements of this part shall not apply to any portable air conditioner produced before October 1, 2022.

* * * * *

■ 7. In § 305.10, effective October 1, 2022, revise paragraph (f) to read as follows:

§ 305.10 Determinations of capacity.

* * * * *

(f) *Room air conditioners and portable air conditioners.* The capacity for room air conditioners shall be the cooling capacity in Btu per hour, as determined according to appendix F to 10 CFR part 430, subpart B, but rounded to the nearest value ending in hundreds that will satisfy the relationship that the energy efficiency value used in representations equals the rounded value of capacity divided by the value of input power in watts. If a value ending in hundreds will not satisfy this relationship, the capacity may be rounded to the nearest value ending in 50 that will. The capacity for portable air conditioners shall be determined according to appendix CC to 10 CFR part 430, subpart B, with rounding determined in accordance with 10 CFR part 430.

* * * * *

■ 8. In § 305.11, effective October 1, 2022, revise paragraph (b)(1) to read as follows:

§ 305.11 Submission of data.

* * * * *

(b)(1) All data required by paragraph (a) of this section except serial numbers shall be submitted to the Commission annually, on or before the following dates:

TABLE 1 TO § 305.11(b)(1)

Product category	Deadline for data submission
Refrigerators	Aug. 1.
Refrigerators-freezers	Aug. 1.
Freezers	Aug. 1.
Central air conditioners	July 1.
Heat pumps	July 1.
Dishwashers	June 1.
Water heaters	May 1.
Room air conditioners	July 1.
Portable air conditioners	Feb. 1.
Furnaces	May 1.
Pool heaters	May 1.
Clothes washers	Oct. 1.
Fluorescent lamp ballasts	Mar. 1.
Showerheads	Mar. 1.
Faucets	Mar. 1.
Water closets	Mar. 1.
Ceiling fans	Mar. 1.
Urinals	Mar. 1.
Metal halide lamp fixtures	Sept. 1.
General service fluorescent lamps	Mar. 1.
Medium base compact fluorescent lamps	Mar. 1.
General service incandescent lamps	Mar. 1.
Televisions	June 1.

* * * * *

■ 9. In § 305.13, effective October 1, 2022, revise the section heading and paragraph (e)(3) to read as follows:

§ 305.13 Layout, format, and placement of labels for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners, portable air conditioners, and pool heaters.

* * * * *

(e) * * *

(3) *Package labels for certain products.* Labels for electric instantaneous water heaters shall be printed on or affixed to the product's packaging in a conspicuous location. Labels for room air conditioners produced on or after October 1, 2019 and portable air conditioners, shall be printed on or affixed to the principal display panel of the product's packaging. The labels for electric instantaneous water heaters, room air conditioners, and portable air conditioners shall be black type and graphics on a process yellow or other neutral contrasting background.

* * * * *

■ 10. In § 305.18, effective October 1, 2022, revise the section heading and paragraph (a)(9) to read as follows:

§ 305.18 Label content for room air conditioners and portable air conditioners.

(a) * * *

(9) Labels must contain a statement as illustrated in the prototype labels in appendix L of this part and specified as follows (fill in the blanks with the appropriate model type, year, energy type, and energy cost figure):

Your costs will depend on your utility rates and use.

Cost range based only on models [of similar capacity; of similar capacity without reverse cycle and with louvered sides; of similar capacity without reverse cycle and without louvered sides; with reverse cycle and with louvered sides; or with reverse cycle and without louvered sides].

Estimated annual energy cost is based on a national average electricity cost of ____ cents per kWh and a seasonal use

of 8 hours use per day over a 3-month period.

For more information, visit *www.ftc.gov/energy.*

* * * * *

■ 11. In § 305.20, effective January 1, 2023, revise paragraphs (g)(11) through (14) to read as follows:

§ 305.20 Labeling for central air conditioners, heat pumps, and furnaces.

* * * * *

(g) * * *

(11) For any single-package air conditioner with a minimum Energy Efficiency Ratio 2 (EER2) of at least 10.6, any split system central air conditioner with a rated cooling capacity of at least 45,000 Btu/h and minimum efficiency ratings of at least 13.8 SEER2 and 11.2 EER2 or at least 15.2 SEER2 and 9.8 EER2, and any split-system central air conditioners with a rated cooling capacity less than 45,000 Btu/h and minimum efficiency ratings of at least 14.3 SEER2 and 11.7 EER2 or at least 15.2 SEER2 and 9.8 EER2, the label must contain the following regional standards information:

(i) A statement that reads:

Notice

Federal law allows this unit to be installed in all U.S. states and territories.

(ii) For split systems, a statement that reads:

Energy Efficiency Ratio 2 (EER2): The installed system's minimum EER2 is ____.

(iii) For single-package air conditioners, a statement that reads:

Energy Efficiency Ratio 2 (EER2): This model's EER2 is [____].

(12) For any split system central air conditioner with a rated cooling capacity of at least 45,000 Btu/h and minimum efficiency ratings of at least 13.8 SEER2 but lower than 11.2 EER2 or at least 15.2 SEER2 but lower than 9.8 EER2, and any split-system central air conditioners with a rated cooling capacity less than 45,000 Btu/h and minimum efficiency ratings of at least 14.3 SEER2 but lower than 11.7 EER2 or at least 15.2 SEER2 but lower than 9.8 EER2, the label must contain the following regional standards information:

(i) A statement that reads:

Notice

Federal law allows this unit to be installed only in: AK, AL, AR, CO, CT, DC, DE, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WI, WY and U.S. territories. Federal law prohibits installation of this unit in other states.

(ii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L of this part.

(iii) A statement that reads:

Energy Efficiency Ratio 2 (EER2): The installed system's minimum EER2 is ____.

(13) For any split system central air conditioner with a rated cooling capacity of at least 45,000 Btu/h and a minimum rated efficiency rating less than 13.8 SEER2, and any split-system central air conditioners with a rated cooling capacity less than 45,000 Btu/h and minimum efficiency ratings of less than 14.3 SEER2, the label must contain the following regional standards information:

(i) A statement that reads:

Notice

Federal law allows this unit to be installed only in: AK, CO, CT, ID, IL, IA, IN, KS, MA, ME, MI, MN, MO, MT, ND, NE, NH, NJ, NY, OH, OR, PA, RI, SD, UT, VT, WA, WV, WI, and WY. Federal law prohibits installation of this unit in other states.

(ii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L of this part.

(iii) A statement that reads:

Energy Efficiency Ratio 2 (EER2): The installed system's minimum EER2 is ____.

(14) For any single-package air conditioner with a minimum EER2 below 10.6, the label must contain the following regional standards information:

(i) A statement that reads:

Notice

Federal law allows this unit to be installed only in: AK, AL, AR, CO, CT, DC, DE, FL, GA, HI, ID, IL, IA, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WV, WI, WY and U.S. territories. Federal law prohibits installation of this unit in other states.

(ii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L of this part.

* * * * *

■ 12. In § 305.27, effective October 1, 2022, revise the section heading and paragraphs (a)(1)(i), (b)(1)(i) introductory text, and (b)(1)(i)(B) to read as follows:

§ 305.27 Paper catalogs and websites.

(a) * * *

(1) * * *

(i) *Products required to bear EnergyGuide or Lighting Facts labels.* All websites advertising covered refrigerators, refrigerator-freezers, freezers, room air conditioners, portable air conditioners, clothes washers, dishwashers, ceiling fans, pool heaters, central air conditioners, heat pumps, furnaces, general service lamps, specialty consumer lamps (for products offered for sale after May 2, 2018), and televisions must display, for each model, a recognizable and legible image of the label required for that product by this part. The website may hyperlink to the image of the label using the sample EnergyGuide and Lighting Facts icons depicted in appendix L of this part. The website must hyperlink the image in a way that does not require consumers to save the hyperlinked image in order to view it.

* * * * *

(b) * * *

(1) * * * (i) *Products required to bear EnergyGuide or Lighting Facts labels.* All paper catalogs advertising covered products required by this part to bear EnergyGuide or Lighting Facts labels illustrated in appendix L of this part (refrigerators, refrigerator-freezers, freezers, room air conditioners, portable air conditioners, clothes washers, dishwashers, ceiling fans, pool heaters, central air conditioners, heat pumps, furnaces, general service fluorescent lamps, general service lamps, and televisions) must either display an image of the full label prepared in accordance with this part, or make a text disclosure as follows:

* * * * *

(B) *Room air conditioners, portable air conditioners, and water heaters.* The capacity of the model determined in accordance with this part, the estimated annual operating cost determined in accordance with this part, and a disclosure stating ''Your operating costs will depend on your utility rates and use. The estimated operating cost is based on a [electricity, natural gas, propane, or oil] cost of [$ ____per kWh, therm, or gallon]. For more information, visit *www.ftc.gov/energy.*''

* * * * *

■ 13. Effective October 1, 2022, redesignate appendix E to part 305 as appendix E1 and add appendix E2 to part 305.

The addition reads as follows:

Appendix E2 to Part 305—Portable Air Conditioners

RANGE INFORMATION

Seasonally adjusted cooling capacity range (Btu/h)	Range of estimated annual energy costs (dollars/year)	
	Low	High
Less than 6,000 Btu	$48	$98
6,000 to 7,999 Btu	87	120
8,000 or greater Btu	104	135

■ 14. Effective October 1, 2022, revise appendix K2 to part 305 to read as follows:

Appendix K2 to Part 305—Representative Average Unit Energy Costs for Dishwasher, Room Air Conditioner, Portable Air Conditioner Labels

This Table contains the representative unit energy costs that must be utilized to calculate estimated annual energy cost disclosures required under §§ 305.16, 305.18 and 305.27 for dishwashers, room air conditioners, and portable air conditioners. This Table is based on information published by the U.S. Department of Energy in 2017.

Type of energy	In commonly used terms	As required by DOE test procedure
Electricity	¢13.00/kWh[1]	$.1300/kWh.
Natural Gas	$1.05/therm[2] or $10.86/MCF[3]	$0.00001052/Btu.
No. 2 Heating Oil	$2.59/gallon[4]	$0.00001883/Btu.
Propane	$1.53/gallon[5]	$0.00001672/Btu.
Kerosene	$3.01/gallon[6]	$0.00002232/Btu.

[1] kWh stands for kilowatt hour. kWh = 3,412 Btu (British thermal units).
[2] therm = 100,000 Btu.
[3] MCF stands for 1,000 cubic feet. For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,032 Btu.
[4] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137,561 Btu.
[5] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
[6] For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

By direction of the Commission, Commissioner Wilson dissenting.

April J. Tabor,

Acting Secretary.

Editorial Note: The Office of the Federal Register received this document on December 23, 2020.

Note: The following will not appear in the Code of Federal Regulations.

Dissenting Statement of Commissioner Christine S. Wilson

Today's Commission action finalizes required changes to the Energy Labeling Rule, but fails to remove prescriptive aspects of the Rule that I believe are unnecessary and that could hinder important aspects of competition. For the reasons described below, I dissent.

The current amendments were proposed in March 2020. At that time, and at my urging,[1] the Commission also sought comment on the more prescriptive aspects of the Rule.[2] I was pleased to receive many interesting and thoughtful comments submitted by stakeholders. For example, industry members explained that changes in the market and consumer behavior indicate that affixed labels with detailed information may have ceased to provide benefits to consumers.[3] Industry members also proposed providing the labeling information online or through QR codes at brick-and-mortar locations.[4] Making this information easier to access in the digital era could foster greater competition among appliance manufacturers and more informed purchasing decisions by consumers.

Rather than act on these comments or proposals, though, the Commission has chosen to finalize only the air conditioning proposals necessary to conform to Department of Energy changes. The **Federal Register** Notice approved by a majority of the Commission explains that revising other aspects of the labeling obligations imposed by the Rule will require further exploration. I see no reason for the Commission to forego that exploration now. We can both finalize these changes *and* ask stakeholders for additional input on how to improve the rest of the Rule.

The FTC promulgated the Energy Labeling Rule in the 1970s, an era when the agency was engaged in prolific rulemaking.[5] As I have noted previously,[6] no area of commerce was too straightforward or mundane to escape the Commission's notice:

• The Rule on Misbranding and Deception as to Leather Content of

[1] See Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Dec. 10, 2018) (expressing my view that the Commission should seek comment on the prescriptive labeling requirements), *https://www.ftc.gov/public-statements/2018/12/dissenting-statement-commissioner-christine-s-wilson-notice-proposed;* See Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Oct. 22, 2019) (urging the Commission to seek comment on the labeling requirements), *https://www.ftc.gov/system/files/documents/public_statements/1551786/r611004_wilson_dissent_energy_labeling_rule.pdf.*

[2] See Concurring Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Mar. 20, 2020), *https://www.ftc.gov/system/files/documents/public_statements/1569815/r611004_wilson_statement_energy_labeling.pdf.*

[3] *See, e.g.,* Air-Conditioning, Heating and Refrigeration Institute (AHRI) Comment (#33–09), available at: *https://www.regulations.gov/document?D=FTC-2020-0033-0009;* Association of Home Appliance Manufacturers (AHAM) Comment (#33–04), available at: *https://www.regulations.gov/document?D=FTC-2020-0033-0004;* Goodman Manufacturing Comment (#33–08), available at: *https://www.regulations.gov/document?D=FTC-2020-0033-0008.*

[4] *Id.*

[5] *See, e.g.,* Timothy J. Muris, Paper: Will the FTC's Success Continue?, George Mason Law & Economics No. 18 (Sept. 24, 2018) (discussing the successes and failures of the FTC's enforcement efforts including the aggressive rulemaking activities in the 1970s), available at: *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3254294;* Timothy J. Muris, Rules Without Reason, AEI J. on Gov't and Society (Sept/Oct. 1982) (describing failed FTC rulemaking proceedings), available at: *https://www.cato.org/sites/cato.org/files/serials/files/regulation/1982/9/v6n5-4.pdf;* Teresa Schwartz, Regulating Unfair Practices Under The FTC Act: The Need For a Legal Standard of Unfairness, 11 Akron Law Rev. 1 (1978) (explaining that the judicial reversals of FTC regulations resulted from a failure to establish an adequate legal basis for the regulations), available at: *https://ideaexchange.uakron.edu/akronlawreview/vol11/iss1/1/.*

[6] *See* Concurring Statement of Commissioner Christine S. Wilson, Amplifier Rule (Dec. 17, 2020), *https://www.ftc.gov/system/files/documents/public_statements/1585038/csw_amplifier_rule_stmt_11192020.pdf.*

Waist Belts prescribed unlawful practices in connection with the sale of belts when not offered for sale as part of a garment. Among other things, the Rule prohibited the sale of belts that looked like leather, but that were made of split, ground, pulverized, or shredded leather or non-leather material, absent disclosures.[7]

• The Guides for Shoe Content Labeling and Advertising required leather, split leather, and concealed insoles ''containing . . . non-leather material which are concealed from view, but which also contain other visible parts of leather,'' to bear a label clearly disclosing the presence of the non-leather innersole.[8]

• The Hosiery Guides established that the term ''long staple cotton'' used to describe hosiery ''is understood to mean cotton fiber which is not less than 1 ⅛″ in length of staple'' and that the term ''lisle'' represents hosiery ''made of yarn composed of two or more ply of combed long staple cotton fiber.'' [9]

A federal statute mandated that the FTC promulgate the Energy Labeling Rule.[10] The FTC must implement the will of Congress, but it need not adopt a prescriptive approach while doing so. Here, the FTC itself has chosen to specify the trim size dimensions for labels, including the precise width (between 5¼″ to 5 ½″) and length (between 7 ⅜″ and 7 ⅝″); the number of picas for the copy set (between 27 and 29); the type style (Arial) and setting; the weight of the paper stock on which the labels are printed (not less than 58 pounds per 500 sheets or equivalent); and a suggested minimum peel adhesive capacity of 12 ounces per square inch.[11] I urged the Commission take the opportunity to review these detailed labeling requirements in 2018, and again in 2019, when the Commission sought comment and revised other sections of this Rule.[12]

The Commission last conducted a full review of the Energy Labeling Rule in 2015; under our 10-year regulatory schedule, the next review is scheduled for 2025. However, since 2015, the Commission has sought comment on provisions of this Rule at least three times, including the current proceeding, and has made numerous amendments.[13] This piecemeal approach has clarified the Rule's requirements—and I appreciate FTC staff's efforts to keep this Rule clear and current—but the Commission can and should do more.

Specifically, the Commission should conduct a full review of the Rule to consider removing all dated and prescriptive provisions, and to consider the recent comments suggesting changes. Nothing prevents the Commission from conducting this review now—we do not have to wait until the 10-year anniversary. I urge the Commission to act on these comments, eliminate the more prescriptive aspects of the Rule, and maximize the positive impact of this Rule for consumers. If we are statutorily mandated to maintain this Rule, we should endeavor to make it beneficial for consumers and competition.

[FR Doc. 2020–28880 Filed 2–11–21; 8:45 am]

BILLING CODE 6750–01–P

[7] 16 CFR 405.4, *https://www.ftc.gov/sites/default/files/documents/federal_register_notices/trade-regulation-rule-misbranding-and-deception-leather-content-waist-belts-16-cfr-part-405/960522traderegulationruleonmisbranding.pdf.*

[8] 16 CFR 231.3, *https://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-luggage-and-related-products-industry-guides-shoe-content-labeling-and-advertising-and-guides/950918luggageandrelatedproducts.pdf.*

[9] 16 CFR 22.3, *https://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-hosiery-industry-16-cfr-part-22/960202hosieryindustry.pdf.*

[10] Energy Policy and Conservation Act, 42 U.S.C. 6295.

[11] *See* 16 CFR §§ 305.13 and 305.20

[12] Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Dec. 10, 2018), *https://www.ftc.gov/public-statements/2018/12/dissenting-statement-commissioner-christine-s-wilson-notice-proposed;* Dissenting Statement of Commissioner Christine S. Wilson on the Notice of Proposed Rulemaking: Energy Labeling Rule (Oct. 22, 2019), *https://www.ftc.gov/system/files/documents/public_statements/1551786/r611004_wilson_dissent_energy_labeling_rule.pdf.*

[13] *See* 81 FR 62861 (Sept. 12, 2016) (seeking comment on proposed amendments regarding portable air conditioners, ceiling fans, and electric water heaters); 84 FR 9261 (Mar. 14, 2019) (proposing amendments to organize the Rule's product descriptions); 85 FR 20218 (Apr. 10, 2020) (seeking comment on proposed amendments regarding central and portable air conditioners).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9933]

RIN 1545–BO79

Unrelated Business Taxable Income Separately Computed for Each Trade or Business; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations (Treasury Decision 9933) that published in the **Federal Register** on Wednesday, December 2, 2020. The final regulations provide guidance on how an exempt organization subject to the unrelated business income tax determines if it has more than one unrelated trade or business, and, if so, how the exempt organization calculates unrelated business taxable income.

DATES: These corrections are effective on February 12, 2021 and are applicable on December 2, 2020.

FOR FURTHER INFORMATION CONTACT: Jonathan A. Carter at (202) 317–5800 or Stephanie N. Robbins at (202) 317–4086 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9933) that are the subject of this correction are issued under section 512 of the Internal Revenue Code.

Need for Correction

As published the final regulations (TD 9933) contain errors that needs to be corrected.

Correction of Publication

Accordingly, the final regulations (TD 9933), that are the subject of FR Doc. 2020–25954, published on December 2, 2020 (85 FR 77952), are corrected to read as follows:

1. On page 77952, the third column, the seventeenth line from the top of the second full paragraph, the language ''balances legislative'' is corrected to read ''balances the legislative''.

2. On page 77954, the third column, the first line of the first full paragraph, the language ''Because the NAICS'' is corrected to read ''Because NAICS''.

3. On page 77961, the second column, the third line from the bottom of the first partial paragraph, the language ''rule'' is corrected to read ''test''.

4. On page 77964, the second column, removing the language ''of the supported organization'' from the third and fourth lines from the bottom of the last full paragraph.

5. On page 77964, the third column, the second line from the bottom of the last partial paragraph, the language ''Accordingly, the'' is corrected to read ''The''.

6. On page 77965, the second column, the thirteenth line from the top of the first partial paragraph, the language ''owns interest'' is corrected to read ''owns the interest''.

7. On page 77965, the third column, the third line from the bottom of the first full paragraph, the language ''E.O.;'' is corrected to read ''exempt organization''.

8. On page 77967, the second column, the fifth line from the bottom of the first

partial paragraph, the language ''Accordingly,'' is corrected to read ''Therefore,''.

9. On page 77968, the first column, the first full paragraph of the first and second sentences, the language ''Furthermore, allowing an exempt organization to elect to treat the debt-financed income as part of a 2-digit NAICS code, instead of including such income as part of an organization's investment activities, would not reduce the burden upon the exempt organization or the burden on the IRS. Such income would still need to be identified as debt-financed income and an additional determination of the underlying activity would also need to be made to determine a 2-digit NAICS code.'' is corrected to read ''Furthermore, allowing an exempt organization to elect to treat the debt-financed income as part of a NAICS 2-digit code, instead of including such income as part of an organization's investment activities, would not reduce the burden on the exempt organization or the burden on the IRS. Such income would still need to be identified as debt-financed income and an additional determination of the underlying activity would also need to be made to determine a NAICS 2-digit code.''

10. On page 77968, the second column, the fourth line from the bottom of the last partial paragraph, the language ''(Form 1120S)'' is corrected to read ''(Form1120–S)''.

11. On page 77968, the third column, the fourth line from the bottom of the first paragraph, the language ''1120S) is needed'' is corrected to read ''1120–S) is necessary''.

12. On page 77970, the third column, the tenth line from the top of the first full paragraph, the language ''describe'' is corrected to read ''described''.

13. On page 77971, the first column, the fifth and sixth line from the top of the first full paragraph, the language ''Hospitality'' is corrected to read ''the Hospitality'' and ''and Club'' is corrected to read ''and the Club''.

14. On page 77971, the third column, removing the language, ''in the proposed regulations'' in the third and fourth line from the top of the partial paragraph.

15. On page 77972, the third column, the second line of the second paragraph, the language ''an organization'' is corrected to read ''an exempt organization''.

16. On page 77978, the first column, the third line from the top of the last partial paragraph, the language ''rules are'' is corrected to read ''rules is''.

Crystal Pemberton,

Senior Federal Register Liaison, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

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

[FR Doc. 2021–00342 Filed 2–11–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9933]

RIN 1545–BO79

Unrelated Business Taxable Income Separately Computed for Each Trade or Business; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to the final regulations (Treasury Decision 9933) that published in the **Federal Register** on Wednesday, December 2, 2020. The final regulations provide guidance on how an exempt organization subject to the unrelated business income tax determines if it has more than one unrelated trade or business, and, if so, how the exempt organization calculates unrelated business taxable income.

DATES: These corrections are effective on February 12, 2021 and are applicable on December 2, 2020.

FOR FURTHER INFORMATION CONTACT: Jonathan A. Carter at (202) 317–5800 or Stephanie N. Robbins at (202) 317–4086 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9933) that are the subject of this correction are issued under section 512 of the Internal Revenue Code.

Need for Correction

As published on December 2, 2020 (85 FR 77952), the final regulations (TD 9933) contain errors that needs to be corrected.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 1.512(a)–6 [Amended]

■ **Par. 2.** Section 1.512(a)–6 is amended:

■ a. In paragraph (a)(3)(i) by adding a semicolon after the word ''year''.

■ b. In the third sentence of paragraph (h)(2) by removing the language ''trade or business'' and adding in its place ''trades or businesses''.

Crystal Pemberton,

Senior Federal Register Liaison, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

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

[FR Doc. 2021–00341 Filed 2–11–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1206 and 1241

[Docket No. ONRR–2020–0001; DS63644000 DRT000000.CH7000 212D1113RT]

RIN 1012–AA27

ONRR 2020 Valuation Reform and Civil Penalty Rule: Delay of Effective Date; Request for Public Comment

AGENCY: Office of Natural Resources Revenue (''ONRR''), Interior.

ACTION: Final rule; delay of effective date and opening of comment period.

SUMMARY: In accordance with the January 20, 2021 White House Memorandum on Regulatory Freeze Pending Review and the Office of Management and Budget Memorandum M–21–14 of the same date, this action delays the effective date of the final rule entitled ''ONRR 2020 Valuation Reform and Civil Penalty Rule'' that published in the **Federal Register** on January 15, 2021 (''2020 Rule''). In addition, this action opens a 30-day comment period to allow interested parties to comment on the impact of the delay to the 2020 Rule's effective date as well as issues of fact, law, and policy raised by that rule.

DATES: *Effective date:* This action is effective February 12, 2021. The

effective date of the 2020 Rule, published in the **Federal Register** at 86 FR 4612, is delayed for 60 days, from February 16, 2021 to April 16, 2021.

Comment Period: To be assured consideration, comments must be received at one of the addresses provided below, by 11:59 p.m. EST on March 15, 2021.

ADDRESSES: You may submit comments to ONRR using either of the following methods. Please reference the Regulation Identifier Number (''RIN'') for this action, ''RIN 1012–AA27'' in your comment:

• *Electronically via the Federal eRulemaking Portal:* Please visit *https://www.regulations.gov.* In the Search Box, enter Docket ID ''ONRR–2020–0001'' and click ''search'' to view the publications associated with the docket folder. Locate the document with an open comment period and then click ''Search.'' Follow the instructions to submit your public comments prior to the close of the comment period.

• *Email Submissions:* For comments sent via email, please address them to Dane Templin, Regulations Supervisor, at *Dane.Templin@onrr.gov* and Luis Aguilar, Regulatory Specialist, at *Luis.Aguilar@onrr.gov* with ''RIN 1012–AA27'' listed in the subject line of your message. Email submissions must be postmarked on or before the close of the comment period.

Instructions: All comments must include the agency name and docket number or RIN for this rulemaking. All comments, including any personal identifying information or confidential business information contained in a comment, will be posted without change to *https://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and locate the docket folder by searching the Docket ID (ONRR–2020–0001) or RIN number (RIN 1012–AA27).

FOR FURTHER INFORMATION CONTACT: For questions on procedural issues, contact Dane Templin, Regulations Supervisor, at (303) 231–3149 or *Dane.Templin@onrr.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 15, 2021, ONRR published a final rule in the **Federal Register**, at 86 FR 4612, to amend certain regulations that inform the manner in which ONRR values oil and gas produced from Federal leases for royalty purposes; values coal produced from Federal and Indian leases for royalty purposes; and assesses civil penalties for violations of certain statutes, regulations, leases, and orders associated with mineral leases. In addition, the rule, referred to as the 2020 Rule, made some minor, non-substantive corrections to ONRR's regulations. The 2020 Rule had an effective date of February 16, 2021, and, for amendments to 30 CFR part 1206, a compliance date of May 1, 2021.

II. Purpose of This Action

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum entitled ''Regulatory Freeze Pending Review'' (''Regulatory Freeze Memorandum'') which, along with the guidance on implementation of the memorandum issued by the Office of Management and Budget (''OMB'') in Memorandum M–21–14 dated January 20, 2021, directs agencies to consider delaying the effective date of rules published in the **Federal Register** that have not yet become effective, consistent with applicable law, for the purpose of reviewing any questions of fact, law, and policy the rules may raise.

The OMB memorandum directed that the decision to delay should include consideration of whether:

(1) The rulemaking process was procedurally adequate;

(2) the rule reflected proper consideration of all relevant facts;

(3) the rule reflected due consideration of the agency's statutory or other legal obligations;

(4) the rule is based on a reasonable judgment about the legally relevant policy considerations;

(5) the rulemaking process was open and transparent;

(6) objections to the rule were adequately considered, including whether interested parties had fair opportunities to present contrary facts and arguments;

(7) interested parties had the benefit of access to the facts, data, or other analyses on which the agency relied; and

(8) the final rule found adequate support in the rulemaking record.

In light of the withdrawal of existing and issuance of new Executive Orders relevant to the matters addressed in the 2020 Rule after its publication date, which are discussed further below, and protracted litigation over ONRR's recent rulemakings, ONRR concludes that postponement of the 2020 Rule and invitation for public comment is appropriate under criteria three and four above. Further, ONRR appreciates the strong public interest in its rulemakings and is especially interested in public comments on each of the eight decision criteria with respect to the 2020 Rule.

Accordingly, this action delays the effective date of the 2020 Rule and opens a 30-day comment period on the facts, law, and policy underlying the rule as well as the effect of the delay. ONRR is delaying the effective date of its 2020 Rule from February 16, 2021, to April 16, 2021.

The 60-day delay of the 2020 Rule's effective date—based on the good cause articulated below—is for the purpose of reviewing any questions of fact, law, and policy that are raised by that rule as well as the effect of the delay, consistent with the Regulatory Freeze Memorandum and OMB Memorandum M–21–14. To that end, ONRR invites the public to submit comment on any issue of fact, law, or policy raised by the 2020 Rule, including, without limitation, comment on the following:

1. The 2020 Rule was premised, in part, on certain Executive Orders that are no longer in effect, including Executive Orders 13783 ''Promoting Energy Independence and Economic Growth,'' 13795 ''Implementing an America-First Offshore Energy Strategy,'' and 13892 ''Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication.'' Also, new Executive Orders, including Executive Orders 13990 ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,'' 13992 ''Revocation of Certain Executive Orders Concerning Federal Regulation,'' and 14008 ''Tackling the Climate Crisis at Home and Abroad,'' have been issued from and after January 20, 2021. Does the repeal of prior Executive Orders and issuance of new Executive Orders demonstrate a change in policy meriting or requiring reconsideration of some or all of the 2020 Rule?

2. The 2020 Rule reinstituted an allowance for certain deepwater oil and gas gathering costs based, at least in part, on declining oil and gas production and revenues from the Gulf of Mexico, which allowance is estimated to reduce royalty due the United States by $32.9 million per year. Is this allowance consistent with the current law and policy of the United States?

3. The 2020 Rule reinstituted extraordinary processing allowances, which allowances are estimated to reduce royalty due the United States by $11.1 million per year. Are extraordinary processing allowances consistent with the current law and policy of the United States in the limited circumstances described in the 2020 Rule?

4. Should the Department of the Interior (''the Department'') consider science on the source and impacts of climate change in setting royalty and revenue management policy?

5. The 2020 Rule extended an option given to oil and gas lessees under an ONRR 2016 rulemaking to use an index-based valuation method to value gas and natural gas liquids for royalty purposes. The option—previously only available for non-arm's-length transactions—was extended to arm's-length transactions. The economic analysis of the extension of the option to arm's-length transactions assumed as fact that one-half of eligible lessees would elect the option and that one-half would not. As a result, the rule concluded that those lessees that elect the index-based valuation option may pay an additional $26.76 million per year in royalties, though the election could save those lessees approximately $1.35 million in administrative costs. ONRR assumed as fact that a significant number of lessees will elect the index-based valuation option even though doing so would result in their paying royalties exceeding the administrative cost savings they would realize. If that assumption of fact is flawed, is the resulting conclusion still appropriate and supported by current law and policy?

6. Does the index-based valuation option adopted in the 2020 Rule support ONRR's goals of clarity, early certainty, and transparency in royalty valuation?

7. The Department has long viewed the gross proceeds received under an arm's-length contract between independent persons who are not affiliates and who have opposing economic interests to be the best indicator of value in most circumstances. *See, e.g.,* 53 FR 1186 (Jan. 15, 1988); 81 FR 43338 (July 1, 2016). Should ONRR have given lessees the option to substitute an index-based value for one based on arm's-length sales, including in situations where that election may reduce the royalties owed to the United States?

8. OMB Memorandum M–21–14 requires agencies to consider, among other things, whether the rulemaking process was procedurally adequate and whether interested parties had a fair opportunity to present contrary facts and arguments. Do you believe procedural issues exist in the 2020 Rule's rulemaking process and, if so, what are those issues and what could ONRR do to remedy those issues?

9. What would be the impact of a potential further delay of 60 to 120 days in the effective date of the 2020 Rule?

10. Should the 2020 Rule be amended, rescinded, delayed pending further review by the agency, or allowed to go into effect?

III. Good Cause Under the Administrative Procedure Act

This rule's delay of the 2020 Rule's effective date, without prior opportunity for public comment, will become effective immediately upon publication in the **Federal Register**. The immediate effective date is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and (d)(3), in that seeking public comment is impractical and contrary to the public interest.

The 60-day delay in the effective date of the 2020 Rule is necessary to allow opportunity for further review and consideration of that rule, consistent with the January 20, 2021 White House Memorandum on Regulatory Freeze Pending Review and the Office of Management and Budget Memorandum M–21–14 of same date on implementation of the White House Memorandum, as well as the withdrawal of the Executive Orders on which the 2020 Rule was, in part, based and the issuance of new Executive Orders. Given the imminence of the 2020 Rule's effective date, seeking prior public comment on this short delay would interfere with the public's interest in the orderly promulgation and implementation of regulations. A period of public notice and comment of any appreciable length would mean that the rule would go into effect before the agency was able to undertake a meaningful review of the 2020 Rule. Subsequent action to modify or rescind an effective rule would then create further confusion among regulated entities and other interested parties.

In the questions posed for comment in this document, the Department has identified several factors illustrating potential weaknesses of the 2020 Rule and the need for additional public participation. Delaying the effective date provides certainty for the regulated industry while ONRR reconsiders the 2020 Rule, and prevents a situation wherein regulated entities would update their reporting systems in anticipation of compliance with a rule that may be subject to further revision, following notice and comment. The extensive litigation on prior ONRR's rulemakings further highlights the need for ONRR to take steps that ensure transparency and provide certainty in the adequacy and finality of the 2020 Rule. Thus, ONRR finds that it would be contrary to the public interest for the 2020 Rule to become effective, with its accompanying changes in reporting and payment requirements, which require extensive IT system, accounting, and other business process modifications, until it is certain that all public comments, including any additional comments that are submitted in the new comment period, are received and considered. To do otherwise could potentially result in uncertainty and confusion regarding reporting and payment requirements that could lead to duplication of effort, an unnecessary increase in administrative costs, and strain placed on lessees and recipient states as ONRR and the public struggle with application and interpretation of the valuation and payment rules.

This action delays the effective date of the 2020 Rule that was promulgated through notice and comment rulemaking. A delay in the effective date and opening of a new 30-day comment period is necessary to ensure that ONRR has the opportunity to receive and is able to consider additional public comments to fully inform its decisions in light of current law and policy before the 2020 Rule becomes effective.

The White House memorandum also recommends that, for rules postponed for further review, agencies consider opening a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider any requests for reconsideration involving such rules. Consistent with this guidance, after reviewing comments received pursuant to this notice, ONRR may determine there is a need to postpone the effective date further to allow additional time to consider issues of fact, law, and policy or to reconsider the 2020 Rule.

This rule provides notice and invites public comments on a potential further extension and requests interested parties to provide comments about issues of fact, law, and policy raised by the rule, so that ONRR can consider any requests for reconsideration involving the rule. As part of a further delay, ONRR may also invite additional public comments on whether the rule should be amended, rescinded, delayed pending further review by the agency, or allowed to go into effect.

For the reasons stated above, ONRR finds that there is good cause under 5 U.S.C. 553(b)(B) and (d)(3) to publish this action without prior notice and comment, and for this action to become effective immediately upon publication in the **Federal Register**.

List of Subjects

30 CFR Part 1206

Coal, Continental shelf, Geothermal energy, Government contracts, Indians-lands, Mineral royalties, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 1241

Administrative practice and procedure, Coal, Geothermal energy, Indians-lands, Mineral royalties, Natural gas, Oil and gas exploration, Penalties, Public lands-mineral resources.

Rachael S. Taylor,

Senior Advisor to the Secretary and exercising the delegated authority of the Assistant Secretary—Policy, Management, and Budget.

[FR Doc. 2021–03052 Filed 2–10–21; 4:15 pm]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[Docket ID: NPS–2018–0001; NPS–GLCA–27587; PPIMGLCAS1; PPMPSAS1Z.YP0000]

RIN 1024–AD93

Glen Canyon National Recreation Area; Motor Vehicles

Correction

In rule document 2020–28464, appearing on pages 3804–3815 in the issue of the January 15, 2021, make the following corrections:

1. On page 3804, in the first column, **DATES** should read:

''**DATES:** This rule is effective on February 16, 2021.''

§ 7.70 [Corrected]

■ 2. On page 3813, in the second column, paragraph (f)(2)(i) should read:

''(i) The provisions in this paragraph (f)(2) are effective beginning on May 17, 2021.''

§ 7.70 [Corrected]

■ 3. On same page, in the third column, paragraph (f)(3)(ii) introductory text should read:

''(ii) Motor vehicles may be used off GMP roads at the locations and subject to the management prescriptions in the table below, except for vehicle-free zones where off-road vehicle use is prohibited. Permit requirements in Table 1 to paragraph (f)(3)(ii) are effective beginning on May 17, 2021.''

[FR Doc. C1–2020–28464 Filed 2–11–21; 8:45 am]

BILLING CODE 1301–00–D

LIBRARY OF CONGRESS

36 CFR Part 701

[Docket No. 2021–2]

Loans of Library Materials for Blind and Other Print-Disabled Persons

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: The Library of Congress is adopting amendments to its regulations regarding loans of library materials for blind and other print-disabled persons, as authorized by Title XIV of the Library of Congress Technical Corrections Act of 2019, to amend terminology, the description of services, and certification requirements, and to memorialize existing practices in the Library of Congress's National Library Service for the Blind and Print Disabled (NLS).

DATES: Effective February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Emily Vartanian, Senior Counsel, Library of Congress Office of the General Counsel, 202–707–7205, *evar@loc.gov.*

SUPPLEMENTARY INFORMATION: The Librarian of Congress is authorized to make regulations with respect to the Library of Congress (2 U.S.C. 136). Since neither the **Federal Register** Act nor the Administrative Procedure Act has binding effect on the legislative branch, the Library of Congress is not required to publish its regulations in the CFR. However, because the purpose of the CFR is to ''notify industry, general business, and the people'' (*Toledo, P & W.R.R.* v. *Stover,* 60 F. Supp. 587 (S.D. Ill. 1945)), it is appropriate for the Library to continue publishing those regulations which affect the rights and responsibilities of, and restrictions on, the public.

The Library of Congress is amending this regulation for the following reasons:

- To amend the regulation consistent with Title XIV of the Library of Congress Technical Corrections Act of 2019.
- To amend the terminology to refer to ''blind and print-disabled'' persons rather than ''blind and other physically handicapped'' persons.
- To amend the terminology to refer to ''eligible persons'' consistent with the Marrakesh Treaty Implementation Act amending 17 U.S.C. 121.
- To amend the description of services to include internet-enabled/electronic services.
- To memorialize the existing practice under which persons seeking approval to use NLS's services must certify eligibility using a form provided by NLS or by network libraries.
- To include certified psychologists, educators, certified reading specialists, and school psychologists in the list of persons who may certify eligibility for the program.
- To remove the requirement for certification by a medical doctor for those with reading disabilities, who may now be certified for participation in the program by the same persons who are authorized to certify other print-disabled individuals for participation in the program.

List of Subjects in 36 CFR Part 701

Libraries, Seals and insignia.

Final Regulation

For the reasons set forth in the preamble, the Library of Congress amends 36 CFR part 701 as follows:

PART 701—PROCEDURES AND SERVICES

■ 1. The authority citation for part 701 continues to read as follows:

Authority: 2 U.S.C. 136; 18 U.S.C. 1017.

■ 2. Revise § 701.6 to read as follows:

§ 701.6 Loans of library materials for blind and other print-disabled persons.

(a) *Program.* Under the Act of March 3, 1931 (46 Stat. 1487), as amended (2 U.S.C. 135a), the Library of Congress's National Library Service for the Blind and Print Disabled (NLS) provides accessible reading material for the use of blind and other print-disabled residents of the United States, including the several States, Insular Possessions, and the District of Columbia, and United States citizens domiciled abroad. NLS loans literary works and specialized music materials in raised characters (braille), on sound reproduction recordings, or in any other accessible format. NLS also loans devices necessary to reproduce accessible formats, including sound reproducers and refreshable braille displays, and makes audio and braille reading material available for electronic download.

(b) *Eligibility.* (1) Individuals who meet the definition of ''eligible person'' in 17 U.S.C. 121 are eligible for NLS's loan services. An ''eligible person'' thus means an individual who, regardless of any other disability—

(i) Is blind;

(ii) Has a visual impairment or perceptual or reading disability that cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or

(iii) Is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading.

(2) Eligibility must be certified by one of the following: doctor of medicine, doctor of osteopathy, ophthalmologist, optometrist, psychologist, registered nurse, therapist, and professional staff of hospitals, institutions, and public or welfare agencies (such as an educator, a social worker, case worker, counselor, rehabilitation teacher, certified reading specialist, school psychologist, superintendent, or librarian).

(c) *Application.* Individuals seeking to receive service from NLS shall submit a fully and properly completed application form, available on NLS's website and from network libraries. Eligible persons whose applications for NLS service are approved are referred to in this section as ''NLS patrons.''

(d) *Lending preference.* In the lending of items under paragraph (a) of this section, the Librarian shall at all times give preference to:

(1) The needs of the blind and visually disabled; and

(2) The needs of eligible persons who have been honorably discharged from the Armed Forces of the United States.

(e) *Loans to institutions.* NLS's accessible reading materials and devices may be loaned to institutions such as nursing homes and hospitals; to schools for the blind and print-disabled; and to public or private schools. However, these materials and devices may only be used by eligible persons.

(f) *Loans through network libraries.* Libraries designated by the Librarian of Congress serve as state, local or regional centers for the direct loan of accessible reading materials and the loan and repair of devices to NLS patrons in specific geographic areas. These network libraries also publicize the program to NLS patrons and prospective patrons and process applications for service.

(g) *Loans of musical materials.* NLS maintains a special collection of accessible musical scores, instructional texts, and other specialized materials for patrons in furthering their educational, vocational, and cultural opportunities in the field of music. These materials are not housed in network libraries but are loaned directly by NLS to patrons.

(h) *International service.* The Librarian of Congress is authorized by Public Law 116–94, Title XIV, the Library of Congress Technical Corrections Act of 2019, to provide literary works published in raised characters, on sound-reproduction recordings, or in any other accessible format, and musical scores, instructional texts, and other specialized materials used in furthering educational, vocational, and cultural opportunities in the field of music published in any accessible format, to authorized entities located in a country that is a party to the Marrakesh Treaty, if any such items are delivered to authorized entities through online, not physical, means. This authorization is codified at 2 U.S.C. 135a. In implementing this authority, the Librarian shall comply with section 121A of title 17, United States Code, and shall contractually require that the recipient authorized entity likewise administer all materials received from NLS in compliance with section 121A of title 17.

(i) *Contact information.* For more information, contact the Director, National Library Service for the Blind and Print Disabled, Library of Congress, Washington, DC 20542, or visit the NLS website at *http://www.loc.gov/nls.*

Dated: February 8, 2021.

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2021–02837 Filed 2–11–21; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2019–0616; FRL–10018–28–Region 6]

Air Plan Approval; Arkansas; Infrastructure for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) submission from the State of Arkansas (State) for the 2015 Ozone (O_3) National Ambient Air Quality Standards (NAAQS). The State's submission addresses structural SIP requirements for implementation, maintenance, and enforcement of the 2015 O_3 NAAQS (infrastructure SIP or i-SIP). The i-SIP ensures that the Arkansas SIP is adequate to meet the State's responsibilities under the CAA for this NAAQS. We are also approving changes to certain existing State regulations to make them consistent with requirements for the 2015 O_3 NAAQS.

DATES: This rule is effective on March 15, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2019–0616. 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 or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert M. Todd, EPA Region 6 Office, Infrastructure & Ozone Section, 214–665–2156, *todd.robert@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our June 30, 2020, proposal (85 FR 39128). In that document we proposed to approve elements of a SIP submission from the State of Arkansas for the 2015 O_3 NAAQS. Specifically, we proposed to approve the Arkansas i-SIP submission because it demonstrates compliance with CAA sections 110(a)(1) and 110(a)(2)(A) through (C) and (E) through (M), as applicable. We also proposed that Arkansas' i-SIP submission demonstrates compliance with CAA section 110(a)(2)(D)(i)(II), Interference with Prevention of Significant Deterioration (often referred to as prong 3) and CAA section 110(a)(2)(D)(ii), Interstate Pollution Abatement (which refers to CAA section 126) and International Air Pollution (which refers to CAA section 115). EPA intends to address the remaining portions of the October 4, 2019, infrastructure SIP submission, addressing CAA section 110(a)(2)(D)(i)(I), often referred to as interstate transport prongs 1 and 2, and CAA section 110(a)(2)(D)(i)(II), often referred to as interstate transport prong

4, in separate actions.[1] We also proposed to approve changes to the State's Regulation 19 definition of ''National Ambient Air Quality Standards'' and Appendix B of the Regulation 19 to be consistent with the 2015 O_3 NAAQS. We received comments on the proposed approval from one commenter (''Commenter''). The comments are posted and available through the *regulations.gov* website (Docket EPA–R06–OAR–2019–0616). The comments and our responses follow.

II. Response to Comments

Comment: The commenter states that EPA should not approve the state's infrastructure SIP submission because it is ''inconsistent with federal laws.''

Response: EPA disagrees with this comment. The commenter does not identify the specific requirements that the state has not met, nor do they explain the basis for this concern. As explained in the proposal for this action, and in this final action, EPA has evaluated the state's infrastructure SIP submission for compliance with the statutory requirements of CAA section 110(a)(1) and (2), as applicable, and in light of the agency's 2013 guidance for infrastructure SIP submissions.[2] This is the federal law and guidance that is relevant in the context of a state's infrastructure SIP submission. The agency has concluded in this action that the state has met the infrastructure SIP requirements for the 2015 O_3 NAAQS.

Comment: The commenter asserts that EPA must make sure the State is implementing its SIP.

Response: In acting on infrastructure SIP submissions, EPA is required to evaluate the submitting state's SIP for compliance with statutory and regulatory structural SIP requirements, not for the state's implementation of its SIP. See *Montana Envtl. Info. Ctr.* v. *Thomas,* 902 F.3d 971 (9th Cir. 2018). To the extent there were any concerns with respect to the state's implementation of the 2015 O_3 NAAQS, EPA has other authorities to address such concerns. For example, the CAA provides the EPA the authorities to issue a SIP call, under section 110(k)(5) to correct SIP inadequacies; to make a finding of failure to implement and impose appropriate sanctions against the state, under sections 110(m) and 179(a)(4) of the Act, if the EPA finds the state fails to implement any requirement of an approved SIP; and to take measures to address specific permit deficiencies pursuant to the EPA's case-by-case permitting oversight and enforcement authorities under sections 165(a)(2) and 167 of the Act. The appropriateness of employing these authorities depends on the nature and extent of the implementation problems at issue.

Also, the commenter did not provide an example of which part of the SIP the ADEQ is not currently implementing. As discussed in our proposal, ADEQ maintains an adequate monitoring program, has a permitting program, adopts rules as necessary, conducts inspections, investigations and takes enforcement actions when appropriate. EPA performs oversight of the air program through the annual air monitoring network plan review, midyear and end of year reviews on the Section 103 and 105 grants programs, and enforcement framework reviews of the state's enforcement programs. EPA also maintains on-going communications with the state, providing input on implementation issues, and sharing guidance and information through regular conference calls. A lack of adequate funding for the ADEQ's operation would impact implementation of programs we regularly discuss and review with the state. Such concerns have not been noted by the EPA.

Comment: The commenter questioned EPA's approval of the infrastructure SIP because EPA must review ''the finances'' of the state agency implementing the SIP to ''ensure the financial health of the agency.''

Response: EPA agrees that in order to address the requirements of section 110(a)(2)(E)(i), states must establish that they have adequate funding to implement their SIP. Accordingly, EPA did evaluate this element. In its infrastructure SIP submission, the state indicated it has met the requirements of the CAA. Section 110(a)(2)(E) requires that the state provide for adequate personnel, funding, and legal authority to carry out its SIP. Ark. Code Ann. § 8–1–103(1)(A), § 8–1–103(3) and § 8–1–103(5) grants ADEQ the authority to establish, and collect fees for issuance, annual review, and modification of air permits. Regulation No. 9, Fee Regulation, Chapter 5, contains the air permit fees applicable to non-part 70 permits, part 70 permits, and general permits. Ark. Code Ann. § 8–1–202(b)(2)(D) states that the Director of ADEQ's duties include the day-to-day administration of all activities that the Department is empowered to perform by law, including, but not limited to, the employment and supervision of such technical, legal, and administrative staff, within approved appropriations, as is necessary to carry out the responsibilities vested with ADEQ.

Moreover, the State receives federal grants under CAA sections 103 and 105 to assist it in carrying out the SIP. Section 103 funding supports specific, non-recurring projects within the air program and thus, the amount of funding can vary widely from year to year. Section 105 supports the foundation of the State's air quality program, including the air monitoring network and annual air quality program activities. Section 105 funding levels are relatively consistent, varying not more than about 10% from year to year. Section 105 funds require a 40% match from the State, while section 103 funds do not require a match. During the upcoming fiscal year (FY2021), ADEQ will receive $1,139,737 in section 105 grant funding. For FY2020/2021 ADEQ will receive $1,137,068 in section 103 grant funding. This federal funding supplements the state's air program implementation funding mechanisms.

As explained in the proposal, EPA has concluded that ADEQ has adequate personnel, funding, and authority through these provisions in order to carry out the state's implementation plan.

Comment: The commenter supported concerns about the adequacy of the State agency's funding with statements attributed to the State's Governor.

Response: The commenter did not provide enough information for the EPA to be able to verify the quote or its context. The EPA of course agrees with the statements attributed to the Governor that state agencies need adequate funding to protect public health and the environment. Regardless, even taken at face value the EPA does not believe that the statement establishes that the State in fact has inadequate resources for the purposes of implementing the State's SIP. As previously explained, the EPA has considered the resources of the State as established in the infrastructure SIP submission and considers them adequate at this time.

Comment: The commenter further asserted that the EPA should disapprove the State's infrastructure SIP for the 2015 O_3 NAAQS based on concerns about the impacts that the COVID–19 pandemic will have on the State's finances and staff for implementing the SIP.

[1] Earlier this year we proposed to approve the Arkansas submittal for interstate transport prong 4 (visibility protection). See 85 FR 14847 (March 16, 2020).

[2] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

Response: The EPA acknowledges the commenter's concern that the ongoing COVID–19 pandemic may have negative impacts on the State maintaining adequate resources to meet its SIP obligations. As discussed above, EPA has concluded that Arkansas has provided assurances in the infrastructure SIP submission for the 2015 O_3 NAAQS that it has adequate personnel and funding to carry out its SIP obligations at this time. For these reasons, EPA does not agree that it must disapprove the infrastructure SIP submission. If the adequacy of Arkansas' resources to carry out its SIP is substantially affected in the future, EPA has the statutory authority to address this issue through means other than disapproving the infrastructure SIP submission at this time.

III. Final Action

We are approving portions of the October 25, 2018, Arkansas i–SIP submittal for the 2015 O_3 NAAQS as detailed in Table 1 of this final action. The agency will take action on those portions of the submission addressing CAA section 110(a)(2)(D)(i)(I), prongs 1 and 2, Significant Contribution to Nonattainment and Interference with Maintenance in other states, and CAA section 110(a)(2)(D)(i)(II), prong 4, Interference with Visibility Protection in other states in separate, future actions.

TABLE 1—FINAL ACTION ON ARKANSAS INFRASTRUCTURE AND TRANSPORT SIP SUBMITTALS FOR THE 2015 OZONE NAAQS

Element	Proposed action
(A): Emission limits and other control measures	A
(B): Ambient air quality monitoring and data system	A
(C)(i): Enforcement of SIP measures	A
(C)(ii): PSD program for major sources and major modifications	A
(C)(iii): Permitting program for minor sources and minor modifications	A
(D)(i)(I): Contribute to nonattainment/interfere with maintenance of NAAQS (prongs 1 and 2)	SA
(D)(i)(II): PSD (prong 3)	A
(D)(i)(II): Visibility Protection (prong 4)	SA
(D)(ii): Interstate and International Pollution Abatement	A
(E)(i): Adequate resources	A
(E)(ii): State boards	A
(E)(iii): Necessary assurances with respect to local agencies	A
(F): Stationary source monitoring system	A
(G): Emergency power	A
(H): Future SIP revisions	A
(I): Nonattainment area plan or plan revisions under part D	+
(J)(i): Consultation with government officials	A
(J)(ii): Public notification	A
(J)(iii): PSD	A
(J)(iv): Visibility protection	+
(K): Air quality modeling and data	A
(L): Permitting fees	A
(M): Consultation and participation by affected local entities	A

Key to Table 1:
A: Approved,
+: Not germane to infrastructure SIPs.
SA: EPA is acting on this infrastructure requirement in a separate rulemaking action.

Based upon our review of the State's infrastructure SIP submission for the 2015 O_3 NAAQS and relevant statutory and regulatory authorities and provisions referenced in this submission or referenced in the EPA-approved Arkansas SIP, EPA finds that the state has established that it has met the infrastructure SIP requirements of CAA sections 110(a)(1) and (2), as applicable, except as noted in Table 1 of this final action.

We are also approving the submitted changes to the state's Regulation 19 Definitions and Appendix B that reference the 2015 O_3 NAAQS.

IV. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of a revision to Regulation 19, Chapter 2, Definitions and Appendix B, Regulations of the Arkansas Plan of Implementation for Air Pollution control. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 6 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

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

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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 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 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, Ozone.

Dated: February 5, 2021.

David Gray,

Acting Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency 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 E—Arkansas

■ 2. Amend § 52.170 by:

■ a. In paragraph (c) in the table titled ''EPA-Approved Regulations in the Arkansas SIP'':

■ i. Revising the entry for Regulation 19, Chapter 2 (Definitions) and

■ ii. Revising the entry for Regulation 19, Appendix B (National Ambient Air Quality Standards List).

■ b. In paragraph (e), in the table titled ''EPA-Approved Non-regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' adding an entry at the end for ''Infrastructure for the 2015 O_3 NAAQS''.

The revisions and additions read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
Regulation No. 19: Regulations of the Arkansas Plan of Implementation for Air Pollution Control				
*	*	*	*	*
Chapter 2: Definitions				
Chapter 2	Definitions	9/27/2019	2/12/2021, [Insert **Federal Register** citation].	
*	*	*	*	*
Appendix B: National Ambient Air Quality Standards List				
Appendix B	National Ambient Air Quality Standards List.	9/27/2019	2/12/2021, [Insert **Federal Register** citation].	
*	*	*	*	*

EPA-APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*

(e) * * *

EPA-APPROVED NON-REGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE ARKANSAS SIP

Control measures	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
*	*	*	*	*
Infrastructure for the 2015 O_3 NAAQS.	Statewide	9/27/2019	2/12/2021, [Insert **Federal Register** citation].	Approval for 110(a)(2)(A), (B), (C), (D)(i) (portion pertaining to PSD), (D)(ii), (E), (F), (G), (H), (J), (K), (L) and (M).

[FR Doc. 2021–02760 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0700; FRL–10018–39–Region 5]

Air Plan Approval; Wisconsin; VOC RACT Requirements for Lithographic Printing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Wisconsin Department of Natural Resources (WDNR or Wisconsin) on December 13, 2019. Wisconsin requests that EPA approve rules related to control of volatile organic compound (VOC) emissions from offset lithographic printing operations into Wisconsin's SIP. These revisions include amendments to the Wisconsin Administrative Code (WAC), Chapter NR 422. These revisions are approvable because they are consistent with the latest Control Techniques Guideline (CTG) for Offset Lithographic Printing and Letterpress Printing, published by EPA in 2006, and such revisions clarify and streamline the VOC reasonably available control technology (RACT) requirements for lithographic printing facilities located in nine counties in Wisconsin (Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha). EPA proposed to approve this action on September 25, 2020 and received no comments.

DATES: This final rule is effective on March 15, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2019–0700. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Kathleen Mullen, Environmental Engineer, at (312) 353–3490, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen Mullen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, *Mullen.Kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information

On September 25, 2020, EPA proposed to approve revisions to Wisconsin's VOC RACT rules for lithographic printing facilities contained in the Wisconsin Administrative Code Chapter NR 422, Sections NR 422.02, 422.142, and 422.143 (85 FR 60413). An explanation of the Clean Air Act requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on October 26, 2020. EPA received no comments on the proposal.

II. Final Action

EPA is approving revisions to the Wisconsin SIP rules relating to the control of VOC emissions from offset lithographic printing operations (WI Admin Code NR 422.02, 422.142, 422.143) submitted on December 13, 2019. These rules are approvable because they are consistent with the latest CTG for Offset Lithographic Printing and Letterpress Printing issued by EPA in 2006, clarify the existing state VOC RACT requirements for lithographic printing operations located in nine counties in Wisconsin, and streamline the implementation of these state rules.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In

accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Wisconsin Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 it 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 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 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, Intergovernmental relations, Ozone, Volatile organic compounds.

Dated: February 3, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, 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.*

■ 2. Section 52.2570 is amended by adding paragraph (c)(141) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(141) On December 13, 2019, the Wisconsin Department of Natural Resources submitted a State Implementation Plan revision request regarding the state's volatile organic compound (VOC) reasonably available control technology (RACT) rules for offset lithographic printing operations. These revisions include amendments to Wisconsin Administrative Code Chapter NR 422 that are consistent with the latest CTG issued by EPA in 2006 and clarify and streamline the VOC RACT requirements for lithographic printing facilities located in nine counties in Wisconsin (Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha).

(i) Incorporation by reference. Wisconsin Administrative Code NR 422.02 ''Definitions.'', NR 422.142 ''Lithographic Printing—Part 1.'', and NR 422.143 ''Lithographic Printing—Part 2.'', as published in the Wisconsin Administrative Register June 2019, No. 762, effective July 1, 2019.

(ii) [Reserved]

[FR Doc. 2021–02745 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Dkt. No. 17–310; DA 20–1420; FRS 17373]

Promoting Telehealth in Rural America

AGENCY: Federal Communications Commission.

ACTION: Final rule and order; notification of operational date.

SUMMARY: In this document, the Federal Communications Commission

(Commission) announces the operational date of certain rules for funding year 2020.

DATES: This Order is effective March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Bryan Boyle, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418–7400 or TTY: (202) 418–0484 or via email: *Bryan.Boyle@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Order in WC Docket No. 17–310; DA 20–1420, adopted and released November 30, 2020. Due to the COVID–19 pandemic, the Commission's headquarters will be closed to the general public until further notice. The full text of this document is available at the following internet address: *https://docs.fcc.gov/public/attachments/DA-20-1420A1.pdf.*

I. Introduction

1. The Wireline Competition Bureau (Bureau) amends the prior decision, adopted in the *December 2019 Public Notice (DA 19–1253),* to delay the implementation date of certain rule changes introduced in the *Promoting Telehealth Report and Order (FCC 19–78).* Specifically, in light of changed circumstances, the Bureau finds that the rules should be implemented as soon as possible, and hence the Order accelerates the operational date of those rules, thereby ensuring that the updated site and service substitution rules, corrective and operational Service Provider Identification Number (SPIN) change rules, service delivery deadline extension rules, and invoicing deadline extension rules adopted in the *Promoting Telehealth Report and Order* will be fully effective for the remainder of funding year 2020. The Bureau anticipates that this action will help Rural Health Care (RHC) Program participants, now faced with the challenges of the COVID–19 pandemic, address changing circumstances in the current funding year and beyond.

II. Discussion

2. Through the Order the Bureau ensures that the rule changes in the *Promoting Telehealth Report and Order* adopting site and service substitutions for the Telecom Program, amending the SPIN change process to allow for corrective and operational changes across both the Healthcare Connect Fund and Telecom Programs, establishing a service delivery deadline of June 30 while permitting a one-year extension of the service delivery deadline, and permitting a one-time 120-day invoice filing extension will be effective for the remainder of funding year 2020. The *December 2019 Public Notice* pushed back the operational dates to funding year 2021 for all rule changes requiring approval pursuant to the Paperwork Reduction Act (PRA). Now that such PRA approval (*eff.* June 19, 2020 (85 FR 37022) has been obtained and in light of changed circumstances arising from the COVID–19 emergency, the Bureau recognizes that making these aforementioned rules operational for funding year 2020 could provide helpful flexibility to health care providers during the current funding year. Accordingly, the Bureau amends the earlier action in the *December 2019 Public Notice* so that the updated site and service substitution rules, corrective and operational SPIN change rules, and service delivery deadline and invoicing deadline extension rules will become operational for the remainder of funding year 2020, on March 15, 2021.

3. The COVID–19 pandemic has caused an unprecedented medical emergency, highlighting the need for remote telehealth options to treat and save the lives of Americans. The Bureau anticipates that the rule changes that are made operational for the remainder of funding year 2020 will help health care providers with changing circumstances as they serve patients in rural areas during this COVID–19 pandemic. The Bureau takes this action to amend the operational date of the rules to provide health care providers with increased flexibility to make changes to funding requests and seek extensions of RHC Program deadlines. The rules that are the subject of the Order were intended to harmonize requirements between the Telecom and Healthcare Connect Fund Programs and reduce administrative burdens on health care providers. Amending the operational date of the rules will, among other things, allow health care providers to seek extensions of the service delivery deadlines and invoice deadlines, make site and service substitution requests, and make SPIN changes. The COVID–19 pandemic is a heavy burden on health care providers, and the amendment of the operational date of the rules will assist program participants as they work to treat patients during the health emergency. Accordingly, the Bureau finds good cause exists given the urgent health care crisis to dispense with additional notice and comment, to the extent such notice and comment would normally be appropriate, before taking this action. The Bureau notes that the Order is consistent with the its prior actions in response to the COVID–19 pandemic, waiving filing deadlines and other administrative requirements to increase broadband connectivity and administrative flexibility for health care providers.

4. The Order will become effective March 15, 2021. Any program participants seeking site and service substitutions or SPIN changes for the portion of funding year 2020 prior to the effective date of the Order may seek a waiver of the Commission's rules. Additionally, in the event that a program participant is negatively impacted by any of the actions taken in the Order, it may file a petition for waiver seeking relief from the updated effective date and request to use the rules predating the *Promoting Telehealth Report and Order* through funding year 2020.

5. The Universal Service Administrative Company (USAC), the Universal Service Administrator, is currently working to implement technology changes that will allow program participants to make filings requesting changes consistent with the *Promoting Telehealth Report and Order.* In conjunction with the implementation of the new rules, USAC is updating its information technology systems to allow program participants to file the appropriate forms; however, those changes have not been implemented. Currently, USAC is working under a schedule stemming from the *December 2019 Public Notice,* in which the changes were to be implemented prior to the start of funding year 2021. The Commission expects that USAC will have implemented all technology deployments related to these rule changes before the end of funding year 2020. Because invoice extension requests and service delivery deadline requests occur at the end of the funding year, there should be no need for health care providers to make these requests before USAC is in position to accept such requests. Some health care providers, however, will likely wish to make SPIN change and site and service substitution requests mid-year. To ensure that the changes can be requested throughout the year, the Commission directs USAC to develop and publicize within 30 days of the **Federal Register** publication, an interim system for processing site and service substitutions and SPIN changes that will be available until USAC launches its permanent technological solution.

III. Ordering Clauses

6. *Accordingly, it is ordered* that pursuant to the authority in sections 1–4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154 and 254, and pursuant to §§ 0.91 and

0.291 of the Commission's rules, 47 CFR 0.91 and 0.291, amending the operational date of §§ 54.624, 54.625, 54.626, and 54.627 of the Commission's rules, 47 CFR 54.624, 54.625, 54.626, and 54.627, as indicated herein.

7. *It is further ordered* that, pursuant to § 1.102(b)(1) of the Commission's rules, 47 CFR 1.102(b)(1), the order *shall be effective* March 15, 2021.

Federal Communications Commission.

Cheryl L. Callahan,

Assistant Chief, Telecommunications Access Policy Division Wireline Competition Bureau.

Editorial note: This document was received for publication at the Office of the Federal Register on January 8, 2021.

[FR Doc. 2021–00588 Filed 2–11–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket Nos. 15–146; GN Docket No. 12–268; FCC 20–175; FRS 17303]

Amendment of the Commission's Rules To Provide for the Preservation of One Vacant Channel in the UHF Television Band for Use by White Space Devices and Wireless Microphones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Report and Order (Order), the Federal Communications Commission declines to adopt rules proposed in the Commission's 2015 Notice of Proposed Rulemaking, 30 FCC Rcd 6711 (2015) (2015 NPRM) in this proceeding and, therefore, terminates the proceeding. While the Commission continues to support unlicensed white space devices and wireless microphone user operations and continues to believe they serve important interests, based on the record of this proceeding and in light of other actions it has taken during the years since the rules were proposed, coupled with the increased burden that its 2015 proposal would place on the use by broadcasters of spectrum in the more consolidated TV band that now exists following the Incentive Auction, the Commission finds that the rules proposed in the 2015 NPRM would not serve the public interest. In reaching this conclusion, the Commission finds other actions it has taken since the 2015 NPRM to support white space devices and wireless microphones are the preferred avenues for the continued support of these services. Accordingly, the Commission terminates this docket.

DATES: The decision is effective February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, *Shaun.Maher@fcc.gov* of the Media Bureau, (202) 418–2324.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*R&O*), MB Docket Nos. 15–146; GN Docket No. 12–268; FCC 20–175, adopted on December 8, 2020 and released December 9, 2020. The full text of this document is available for download at *https://www.fcc.gov/edocs.* 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).

Synopsis

1. In this Order, the Commission declines to adopt the proposals in the 2015 NPRM finding that support of white space device and wireless microphone users is now more effectively being achieved through other Commission proceedings, and, as a result, the proposals to preserve a vacant channel for shared use by white space devices and wireless microphone operations do not serve the public interest.

2. The Commission finds that the spectrum landscape has changed significantly since 2015. Without question, today's TV band is smaller and more densely packed than it was at the time the Commission adopted the 2015 NPRM. To illustrate, at the time the 2015 NPRM was adopted, there were 1,384 full power and Class A televisions stations operating on UHF channels 21 through 51 for an average of 46 stations per channel. Today, there are 1,088 such stations operating on channels 21 through 36, an average of 68 stations per channel, many with expanded facilities. In addition, the TV band is more densely packed as a result of changes made by stations after the Incentive Auction and because reverse auction winners continue to operate in the new TV band. Analyses using the Commission's TVStudy software reveal that there are numerous major metropolitan areas in the United States that have no vacant, 6 MHz channels. This reality undermines the Commission's goal of creating a nationwide solution as proponents of the 2015 NPRM proposal argued on behalf of the proposal on the grounds that such a nationwide vacant channel was essential.

3. Subsequent to adoption of the 2015 NPRM, the Commission took a number of significant steps to ensure that white space device and wireless microphone operations can flourish. In responding to the 2015 NPRM, white space device proponents cited the need to create certainty that vacant channels would be available for their use in order to promote greater innovation in new devices and services, including increased access to broadband services across the country. The Commission believes that its more recent actions in other proceedings have helped to create such certainty by allowing for more robust service and efficient spectral use in the post-Incentive Auction television band as well as in the 600 MHz guard bands and 600 MHz wireless services and by revising the rules to allow for enhanced fixed white space device operations in rural areas. The Commission finds that these actions have achieved the benefits sought by white space device proponents and obviate the need to impose the burdensome vacant channel preservation requirement on television broadcasters. Similarly, when responding to the 2015 NPRM, wireless microphone users expressed concerns about the reduced amount of spectrum that would be available for use by wireless microphones in the repacked TV bands, and they cited to such concerns to support their call to preserve a vacant channel for shared use with white space devices. Once again, the Commission believes that the steps it has taken in other proceedings since the 2015 NPRM will ensure that wireless microphone operators have access to sufficient spectrum, including spectrum outside of the broadcast television band, to meet their needs. These actions underscore the conclusion that the regulatory approach proposed in the 2015 NPRM is no longer needed and is outweighed by the burden that such an action would place on the broadcast users of the TV band.

4. *White Space Devices.* In August 2015, recognizing the significantly altered regulatory landscape for unlicensed white space devices in the broadcast television bands, the Commission adopted its White Spaces R&O, 30 FCC Rcd 9551. In that proceeding, the Commission modified several rules to allow for more robust service and efficient spectral use in the post-Incentive Auction television band as well as in the 600 MHz guard bands and 600 MHz wireless services band that would be created as a result of repurposing the television bands following the Incentive Auction.

Specifically, the Commission enabled lower powered operations closer to television stations, as well as higher powered operations in less-congested rural areas that enhance broadband services in these areas. The Commission also established rules permitting white space device operations on spectrum outside of the broadcast television band in the 600 MHz guard bands (including duplex gap) and the 600 MHz wireless service band, and on channel 37.

5. In the Commission's White Spaces Reconsideration Order, 34 FCC Rcd 1827, in that proceeding, it took additional action to promote white spaces operations. Recognizing that white space device operations served to provide vital links for broadband services to Americans especially in rural and underserved areas, the Commission increased the maximum permissible fixed white space device antenna height above ground level in less congested areas such as rural areas.

6. In 2020, the Commission initiated a new proceeding proposing actions to ''spur the continued growth of the white space device ecosystem'' that had been evolving. In the White Spaces NPRM, 35 FCC Rcd 2101, the Commission focused chiefly on providing additional opportunities for unlicensed white space devices operating in the broadcast television bands to deliver wireless broadband services in rural and underserved areas and applications associated with the Internet of Things (IoT). The Commission initiated the proceeding largely in response to Microsoft's 2019 petition for rulemaking, which had proposed revisions to promote greater flexibility for white space device operations in rural areas; which had garnered broad support from many white space device proponents. On October 28, 2020, the Commission issued a Report and Order and Further Notice of Proposed Rulemaking, FCC 20–156, adopting new targeted rules with this focus, which will benefit American consumers in rural and underserved areas while protecting broadcast television stations and other protected services initiated from harmful interference. Specifically, the Commission permitted higher power and higher antennas for fixed white space devices in ''less congested'' geographic areas where there continue to be vacant TV channels available for use by white space devices (and wireless microphones), and permitted higher power mobile operation within ''geo-fenced'' areas in these ''less congested'' areas. The Commission also adopted rule changes designed to facilitate the development of new and innovative narrowband IoT services in these bands. Finally, the Commission sought comment on whether it should permit use of a terrain-based model (*e.g.,* Longley-Rice Irregular Terrain Model) when determining available TV channels for white space device operations, which if adopted could potentially expand the areas available for white space device operations in this spectrum.

7. In the 2015 vacant channel proceeding, white space device proponents argued that the proposals in the 2015 NPRM would ensure that the public has access to these services and would help promote investment and innovation in these technologies. The Commission's more recent actions, however, reflect the subsequent evolution of white space device operations, as indicated by support from major white space device proponents over the last few years, to focus on rural and underserved areas where a substantial amount of spectrum remains available for white space devices after repacking. The Commission finds that these alternative actions are an effective means for the Commission to support white space device operations and the white space device ecosystem as it has evolved since 2015. We conclude that the rationale behind the Commission's tentative conclusion concerning the need to preserve a vacant channel in the broadcast television band to provide certainty for the white space device industry no longer holds.

8. *Wireless microphones.* In 2015, in a proceeding that had been initiated to explore steps to address wireless microphone users' long-term needs following the Incentive Auction and repacking of the broadcast television band, the Commission adopted several changes to ensure sufficient spectrum would continue to available for wireless microphone use. With respect to the reconfigured broadcast television band following the Incentive Auction and repacking, the Commission revised its rules to provide more opportunities for wireless microphones to access spectrum by allowing greater use of the VHF broadcast television channels and more co-channel operations with television stations, and adopted more efficient analog and digital technical standards to ensure more efficient use of the available spectrum. The Commission also expanded eligibility for the licensed use of the 600 MHz duplex gap to all entities now eligible to hold wireless microphone licenses to use television band spectrum. The Commission also took several actions to promote use of spectrum bands outside of the broadcast television band, including providing new opportunities for use in UHF spectrum in the 900 MHz band.

9. In 2017, in the Wireless Microphones Reconsideration Order and Further Notice, 32 FCC Rcd 6077, the Commission furthered its goal of promoting wireless microphone operations and ensuring sufficient spectrum would be available following the Incentive Auction and repacking process. Specifically, it made technical revisions to rules it had adopted for both licensed and unlicensed wireless microphone operations in the TV bands, and in the 600 MHz guard band and duplex gap, as well as to rules for licensed wireless microphone operations in several frequency bands outside of the TV and 600 MHz bands, including the UHF spectrum in the 900 MHz band. It also issued a Further Notice of Proposed Rulemaking seeking to ensure that certain professional theater, music, performing arts, or similar organizations that currently operate wireless microphones on an unlicensed basis can obtain licenses to operate in the broadcast television bands as well as other frequency bands, including UHF spectrum in the 900 MHz band, if necessary, to ensure that they can provide the public interest benefits of significantly enhanced event productions to the American people.

10. The Commission is not persuaded by wireless microphone commenters in the dormant docket proceeding who maintain that the Commission should refresh the record in this proceeding and adopt the vacant channel preservation proposals. The Commission finds that these proposals are no longer necessary to further their stated objective.

11. *Public Interest Analysis.* While the Commission recognizes the important benefits provided by white space devices and wireless microphones in the TV bands, it finds that the other actions that the Commission has taken to support these users subsequent to issuance of the 2015 NPRM provide a better alternative for addressing their needs than through efforts to preserve a vacant channel. Moreover, the Commission can no longer say that the 2015 NPRM's proposals ''will not significantly burden broadcast applicants.'' NAB has stated the vacant channel proposals ''would impose significant burdens on broadcasters both by restricting innovation and by imposing new and costly administrative burdens on broadcasters seeking to construct new or modified facilities.'' The Commission agrees. In light of changed circumstances the Commission concludes that it should not deviate from previous Commission decisions

that use of the TV bands by primary and secondary broadcast users have priority over wireless microphones and white space devices. The Commission believes that preserving robust over-the-air broadcast television service remains an important spectrum allocation priority, especially to rural areas without adequate MVPD and broadband service alternatives. In addition, the Commission has recognized the promise of next generation ATSC 3.0 service by over-the-air television broadcasters to expand the universe of potential uses of broadcast spectrum capacity for new and innovative services in ways that will complement the nation's burgeoning 5G networks and usher in a new wave of innovation and opportunity. As NAB and a number of broadcasters noted in their 2015 comments, adoption of the proposed rules would serve to freeze full power stations in place and hamstring their ability to expand or innovate to better serve their viewers. Having restructured the TV band, the Commission finds that to now adopt a requirement that primary and/or secondary television stations protect spectrum availability for white space devices and wireless microphones in the smaller, more densely packed television band, would not serve the public interest. Moreover, NAB points out that the proposals would require ''novel engineering studies'' that ''would be expensive and time-consuming, particularly for smaller broadcasters'' where ''the cost of conducting such studies is likely to be multiples of current engineering design costs.'' Significantly, television stations would bear the administrative burden of studying and proving the availability of channels for other users in order to have an application that is otherwise in the public interest granted—both in congested areas where a vacant channel may not be available in the television band and in less congested areas where more spectrum is available such that analysis is not warranted. Therefore, the Commission finds that, on balance, seeking to preserve a vacant channel for shared use by white space devices and wireless microphone operations at this time, considering all of the actions that the Commission has taken since 2015 to promote those users' interests, are outweighed by the burdens of the proposals on broadcasters and the Commission terminates the proceeding.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Editorial Note: The Office of the Federal Register received this document on December 15, 2020.

[FR Doc. 2020–28025 Filed 2–11–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CG Docket No. 02–278; FCC 20–182; FRS 17356]

Government and Government Contractor Calls Under the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Adjudicatory ruling.

SUMMARY: In this document, the Commission finds that state government callers, like federal government callers, are not ''persons'' for purposes of the Telephone Consumer Protection Act (TCPA) because they are sovereign entities. The Commission also clarifies that a local government caller is a ''person'' subject to the TCPA. On reconsideration of the *Broadnet Declaratory Ruling,* the Commission reverses its previous order to the extent that it provided that a contractor making calls on behalf of the federal government was not a ''person'' subject to the restrictions of the TCPA. The Commission also clarifies that a state or local government contractor, like a federal government contractor, is a ''person'' and thus not exempt from the TCPA's restrictions. This action was taken in response to petitions that sought clarification of these issues and removes any uncertainty on when governmental callers or contractors making calls on their behalf are required to obtain the prior express consent of called parties.

DATES: Effective February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith of the Consumer and Governmental Affairs Bureau at (717) 338–2797 or *Richard.Smith@fcc.gov*; or Kristi Thornton at (202) 418–2467 or *Kristi.Thornton@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration, document FCC 20–182, released on December 14, 2020. The full text of document FCC 20–182 is available online at *https://docs.fcc.gov/public/attachments/FCC-20-182A1.pdf.* To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice).

Synopsis

1. On reconsideration of the *Broadnet Declaratory Ruling,* the Commission reverses its previous order to the extent that it provided that a contractor making calls on behalf of the federal government was not a ''person'' subject to the restrictions in section 227(b)(1) of the TCPA. The Commission also clarifies that a state government caller making calls in the conduct of official government business is not a ''person'' subject to section 227(b)(1) of the TCPA, while a state or local government contractor, like a federal contractor, is a ''person'' and thus not exempt from the TCPA's restrictions. Finally, the Commission clarifies that a local government is a ''person'' subject to the TCPA. As such, the Commission grants in part the National Consumer Law Center (NCLC) petition for reconsideration, denies the Professional Services Council (PSC) petition for reconsideration, reverses the Commission's *Broadnet Declaratory Ruling* in part, and grants in part and denies in part Broadnet's petition for declaratory ruling.

A. Federal Contractors are Subject to Section 227(b)(1) of the TCPA

2. The Commission finds that a federal government contractor is a ''person'' under section 227(b)(1). The term ''person'' as used in the TCPA and defined in the Communications Act (Act) expressly includes an ''individual, partnership, association, joint-stock company, trust, or corporation'' ''unless the context otherwise requires.'' Every federal contractor, including those acting as agents, falls within one of these categories. And, unlike the federal government itself, there is no longstanding presumption that a federal contractor is not a ''person.'' Nor does the Commission find any ''context that otherwise requires'' it to ignore the express language of the Act's definition of the term ''person'' in this situation. Absent any applicable presumption to the contrary, the express definition of ''person'' as contained in the Act is controlling.

3. Federal government contractors may obtain consumers' prior express consent to make calls covered by the

TCPA. Such contractors may also qualify for forms of derivative immunity when making calls on behalf of the federal government—the Commission does not alter or impair the ability of contractors to invoke derivative immunity from liability when making calls on behalf of the federal government.

4. In this document, the Commission finds that it incorrectly applied precedent on agency to federal government-contractor relationships in the *Broadnet Declaratory Ruling.* Specifically, the Commission grounded its decision in the *DISH Declaratory Ruling,* which pertained to a *non-governmental* ''person'' subject to the TCPA and whether it is vicariously liable for the actions of its *non-governmental* agents. As a result, the Commission finds that precedent does not bear on the issues here—which callers are TCPA ''persons''—but instead involved principals and agents that were undoubtedly ''persons.''

5. *Maker of the Call.* In this document, the Commission finds that a federal contractor may be able to avoid liability under the TCPA if it is not the ''maker of the call.'' The Commission previously clarified that a caller may be found to have made or initiated a call in one of two ways: First, by ''tak[ing] the steps necessary to physically place a telephone call''; and second, by being ''so involved in the placing of a specific telephone call as to be directly liable for making it.'' The Commission stated that, in determining the maker of the call, it would consider ''the totality of the facts and circumstances surrounding the placing of a particular call to determine: (1) Who took the steps necessary to physically place the call; and (2) whether another person or entity was so involved in placing the call as to be deemed to have initiated it, considering the goals and purposes of the TCPA.''

6. In this document, the Commission states that it will continue to apply this analysis to assess TCPA liability of parties, including government contractors, on a case-by-case basis. Based on these fact-specific criteria, Broadnet states that its ''government customers, and not Broadnet, make all decisions regarding whether to make a call, the timing of the call, the call recipients, and the content of the call.'' It further states that its ''government customer takes the steps physically necessary to initiate a telephone town [hall] call,'' while Broadnet's role is to ''manage the technical aspects of the service and to ensure that its customers do not use the platform unlawfully.''

7. The Commission finds that Broadnet is not the maker of the call, but rather that Broadnet's government client is the maker of the call because that government client is so involved in placing the call as to be deemed to have initiated it.

B. State Governments and State Government Contractors

8. The Commission clarifies that state government callers in the conduct of official business likewise do not fall within the meaning of ''person'' in section 227(b)(1), while state contractors, like their federal counterparts, are ''person[s]'' under that provision. As the Commission has noted, there is a ''longstanding interpretive presumption'' that the word 'person' does not include the sovereign . . . [except] upon some affirmative showing of statutory intent to the contrary.'' The Supreme Court has confirmed that this presumption is applicable to state governments. Moreover, neither the TCPA nor the Communications Act defines ''person'' to include state governmental entities.

9. This clarification is limited to calls made by state government callers in the conduct of official business and does not exempt other types of calls made by state officials, such as those related to campaigns for re-election. Nevertheless, the Commission encourages state governments to make efforts to honor consumer requests to opt out of such exempted calls to minimize any consumer privacy implications.

10. The Commission states that it is limiting its interpretation of ''person'' as excluding state governments to the specific statutory provision before it: Section 227(b)(1) of the TCPA. As in the *Broadnet Declaratory Ruling,* the Commission makes no finding with respect to the meaning of ''person'' as used elsewhere in the Act.

11. For the same reasons the Commission found federal contractors are ''persons'' under section 227(b)(1) of the TCPA, the Commission now finds that contractors acting on behalf of state governments are likewise ''persons.'' Such contractors fall within the express language of the Communications Act's definition of ''person'' and it finds no compelling argument to the contrary. As with federal contractors, this ruling leaves it to the courts to apply the body of existing immunity law to state contractors and to make determinations of derivative immunity on a case-by-case basis.

C. Local Governments and Local Government Contractors

12. The Commission clarifies that local government entities, including counties, cities, and towns, are ''persons'' within the meaning of section 227(b)(1) and are, therefore, subject to the TCPA. Specifically, the Commission finds that the definition of ''person'' encompasses local governments because they are not sovereign entities and have generally been treated as persons subject to suit. In addition, the Commission finds that, even if the definition of ''person'' is ambiguous as applied to local governments, the underlying policy goals and legislative history of the TCPA support a finding that TCPA restrictions apply to local government entities.

13. The law has long recognized that a municipal corporation is a local political entity, such as a city or town, formed by charter from the state. Municipal corporations, like private corporations, have been ''treated alike in terms of their legal status as *persons* capable of suing and being sued.'' ''The archetypal American corporation of the eighteenth century [was] the municipality,'' and local governments generally are incorporated under state law and operate pursuant to a charter outlining their incorporation. The Commission further notes that all states have adopted some form of municipal corporate structure and that the federal government often treats incorporated and non-incorporated areas similarly.

14. The Commission finds that the lack of any clear indication that Congress intended to exclude local governments from the TCPA is evidence that Congress intended such government entities to fall under its purview.

15. The Commission further finds that the underlying goals and legislative history of the TCPA separately show that Congress intended local governments to be subject to the law's restrictions. Congress' intent to prohibit nuisance calls to consumers is instructive in the Commission's interpretation of any ambiguity within the statute. Because of Congress' clear intent to protect consumers, the Commission interprets any ambiguity to the benefit of the consumer.

16. The Commission also clarifies that a local government contractor is a ''person,'' as that term is used in section 227(b)(1) of the TCPA. Because local governments and their contractors are ''persons,'' they are subject to section 227(b)(1) of the TCPA and must abide by the requirements contained therein, including obtaining prior express consent when making autodialed or artificial or prerecorded voice calls to certain types of telephone numbers such as wireless numbers.

17. As with other ''persons'' subject to the TCPA, local governments and their

contractors may avail themselves of the TCPA's exemptions to the prior express consent requirement, such as calls made for ''emergency purposes.'' Nothing in the Commission's decision impedes the ability of local governments or contractors to make emergency calls to wireless telephone numbers when such calls are necessary to protect the health and safety of citizens. The Commission has recently confirmed, for example, that government officials and public health care authorities, as well as a person under the express direction of such organizations and acting on its behalf, can make automated calls directly related to the imminent health or safety risks arising out of the COVID–19 pandemic without the prior express consent of the called party.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Editorial Note: The Office of the Federal Register received this document on December 28, 2020.

[FR Doc. 2020–29016 Filed 2–11–21; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 553

[GSAR Case 2021–G509; Docket No. 2021–0005; Sequence No. 1]

General Services Administration Acquisition Regulation; Removing Erroneous Guidance on Illustration of Forms

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is issuing this direct final rule amending the General Services Administration Acquisition Regulation (GSAR) to make a needed technical amendment. This technical amendment is to correct the Code of Federal Regulations and remove erroneous guidance on the illustration of forms.

DATES: *Effective:* March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Adina Torberntsson, Procurement Analyst, at *gsarpolicy@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite GSAR Case 2021–G509.

SUPPLEMENTARY INFORMATION:

I. Background

GSA has been conducting a regulatory review initiative to identify areas which might be revised or eliminated. Upon review of GSAR part 553, we uncovered a discrepancy between the Code of Federal Regulations (CFR) and *acquisition.gov.* The current language in subpart 553.2 in the CFR was published in the **Federal Register**, Vol. 64, No. 131, on July 9, 1999 and has not changed since. However, *acquisition.gov* has no such language. It is determined that all of the guidance in GSAR Part 553 in the CFR should be removed.

II. Discussion of the Rule

This direct final rule amends the GSAR to remove regulations regarding forms from subpart 553.2 and section 553.300. The subpart has no content, just the header of ''Illustrations of Forms''. There is no prescription information that follows. In addition, text at 553.300 contains erroneous information on how to obtain copies of forms. Therefore, the entirety of GSAR Part 553 is unnecessary.

List of Subjects in 48 CFR Part 553

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.

PART 553 [REMOVED AND RESERVED]

■ Therefore, under the authority of 41 U.S.C. 121(c), GSA removes and reserves 48 CFR part 553.

[FR Doc. 2021–02815 Filed 2–11–21; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 210205–0015]

RIN 0648–BJ05

Fisheries Off West Coast States; West Coast Salmon Fisheries; Rebuilding Coho Salmon Stocks

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to approve and implement rebuilding plans recommended by the Pacific Fishery Management Council (Council) for three overfished salmon stocks: Juan de Fuca, Queets, and Snohomish natural coho salmon. NMFS determined in 2018 that these stocks were overfished under the MSA, due to spawning escapement falling below the required level for the 3-year period 2014–2016. The MSA requires overfished stocks to be rebuilt, generally within 10 years.

DATES: This final rule is effective March 15, 2021.

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2018, NMFS notified the Council that three stocks of coho salmon managed under the Council's Pacific Coast Salmon Fishery Management Plan (FMP) met the overfished criteria of the FMP and the MSA, and the overfished determinations were announced in the **Federal Register** on August 6, 2018 (83 FR 38292). Overfished is defined in the FMP to be when the 3-year geometric mean of a salmon stock's annual spawning escapement falls below the reference point known as the minimum stock size threshold (MSST). The 3-year geometric mean of spawning escapement fell below MSST for all three coho salmon stocks for the period 2014–2016. In response to the overfished determination, the Council developed rebuilding plans for these stocks, and the rebuilding plans were transmitted to NMFS on October 17, 2019, for approval and implementation. NMFS published a proposed rule (85 FR 61912, October 1, 2020) describing the rebuilding plans and soliciting comments from the public on the proposed rule and on the draft environmental assessments (EAs) that were prepared under the National Environmental Policy Act (NEPA).

In this final rule, NMFS approves and implements the rebuilding plans for the three overfished coho salmon stocks. For Juan de Fuca and Queets natural coho, this rule adopts the existing harvest control rules, which use an annual abundance-based stepped harvest rate control rule with stock-specific abundance levels governing the total exploitation rates applied to forecast stock abundance levels. For Snohomish natural coho, this final rule amends the existing harvest control rule by adding a 10-percent buffer to the existing escapement goal and adjusting the abundance steps during the

rebuilding period. Additional information on these plans is available in the preamble of the proposed rule and is not repeated here.

Response to Comments

On October 1, 2020, NMFS published a proposed rule and requested public comment on the proposed rule (85 FR 61912). The comment period ended on November 2, 2020. Concurrent with the comment period on the proposed rule, NMFS made the related draft EAs available online for public comment. Eight individuals submitted comments on the proposed rule; no comments were submitted on the draft EAs. Most comments were supportive of regulating fishing, but did not express specific support for, or opposition to, the proposed rebuilding plans. Specific comments and responses are discussed below.

Comment 1: Two commenters expressed concern about ensuring compliance with fishery regulations.

Response: NMFS agrees that compliance with fishery regulations is important. NMFS' Office of Law Enforcement participates on the Council's Enforcement Consultants advisory body, along with representatives from state police agencies, state fish and wildlife agencies, and the Coast Guard. The Enforcement Consultants provide advice to the Council about whether proposed management actions are enforceable and how they affect safety at sea. These agencies also work to enforce fishery regulations at sea and at various fishing ports on the West Coast. The input of these agencies was considered in the development of the Council's proposal, as included in the proposed rule.

Comment 2: One comment was specifically supportive of the proposed rebuilding plans as described in the proposed rule and felt they would benefit both fish and fishermen.

Response: NMFS agrees that the Council's recommended rebuilding plans are the most appropriate response to rebuild the overfished coho salmon stocks at this time, as they rebuild the overfished stocks in the shortest time possible while taking into account the needs of the fishing communities, as required by the MSA.

Comment 3: One comment opposed the proposed rebuilding plans as not being sufficiently restrictive of fishery impacts and suggested applying a 30-percent buffer on exploitation rates.

Response: NMFS disagrees with the suggestion that there is a need for more restrictive exploitation rates at this time. For all three coho salmon stocks, the Council's Salmon Technical Team's (STT's) analysis, as detailed in the EAs, determined that freshwater and marine habitat conditions were the primary cause of these stocks meeting the FMP's criteria for being overfished rather than fishing. In addition, exploitation rates on these coho salmon stocks in Council-managed fisheries are a small fraction of the total exploitation rates in all fisheries, which include Alaskan and Canadian fisheries, and non-Council pre-terminal and terminal fisheries. The STT's analysis included exploitation rates for the overfished coho stocks in all fisheries for the period 2004–2017. For Juan de Fuca coho, the overall annual exploitation rate averaged 10.5 percent and the Council-area annual exploitation rate averaged 2.3 percent. For Queets coho, the overall annual exploitation rate averaged 38.5 percent and the Council-area annual exploitation rate averaged 7.2 percent. For Snohomish coho, the overall annual exploitation rate averaged 22.8 percent and the Council-area annual exploitation rate averaged 1.9 percent. Adding an additional 30 percent buffer to the already constrained exploitation rates in Council-area fisheries would have a severe impact on the fishing community, especially in the area from the U.S./Canada border to Cape Falcon, OR, and would not result in rebuilding these stocks substantially sooner than under the Council's rebuilding plans.

Comment 4: One comment opposed the rebuilding plans on the basis that they did not sufficiently address the impact of freshwater habitat and water quality on marine survival of salmon.

Response: NMFS understands and agrees with the concern about freshwater habitat for coho salmon. The STT's analysis found that both freshwater and marine productivity were the primary causes of these coho stocks meeting the overfished criteria, rather than fishery impacts. These rebuilding plans have been developed pursuant to the MSA, which regulates fishing in the exclusive economic zone (EEZ). NMFS's authority in adopting these rebuilding plans is therefore limited to that scope. The Council may direct its Habitat Committee to work with state, federal, and tribal fishery managers to review freshwater habitat conditions and develop recommendations for habitat recommendations and restoration as an action separate and apart from these rebuilding plans.

Changes From Proposed Rule

There are no changes made to the regulatory text of the proposed rule.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the MSA, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This final rule was developed after meaningful collaboration with the tribal representative on the Council; the tribal representative has agreed with the provisions that apply to tribal vessels.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 8, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.413, add paragraphs (c) through (e) to read as follows:

§ 660.413 Overfished species rebuilding plans.

* * * * *

(c) *Juan de Fuca coho.* The Juan de Fuca coho salmon stock was declared overfished in 2018. The target year for rebuilding Juan de Fuca coho is 2023. The harvest control rule during the rebuilding period for Juan de Fuca coho is the abundance-based stepped harvest rate as shown in table 1 to this paragraph (c).

TABLE 1 TO PARAGRAPH (c)

Juan de Fuca coho stepped harvest rates		
Abundance category	Age-3 ocean abundance	Total allowable exploitation rate (percent)
Normal	Greater than 27,445	60
Low	Between 11,679 and 27,445	40
Critical	11,679 or less	20

(d) *Queets coho.* The Queets coho salmon stock was declared overfished in 2018. The target year for rebuilding Queets coho is 2019. The harvest control rule during the rebuilding period for Queets coho is the abundance-based stepped harvest rate as shown in table 2 to this paragraph (d).

TABLE 2 TO PARAGRAPH (d)

Queets coho stepped harvest rates		
Abundance category	Age-3 abundance	Total allowable exploitation rate (percent)
Normal	Greater than 9,667	65
Low	Between 7,250 and 9,667	40
Critical	Less than 7,250	20

(e) *Snohomish coho.* (1) The Snohomish coho salmon stock was declared overfished in 2018. The target year for rebuilding Snohomish coho is 2020. The harvest control rule during the rebuilding period for Snohomish coho is the abundance-based stepped harvest rate as shown in table 3 to this paragraph (e).

TABLE 3 TO PARAGRAPH (e)(1)

Snohomish coho stepped harvest rates		
Abundance category	Age-3 abundance	Total allowable exploitation rate (percent)
Normal	Greater than 137,000	60
Low	Between 51,667 and 137,000	40
Critical	Less than 51,667	20

(2) In years when Snohomish coho abundance is forecast to exceed 137,000, the total allowable exploitation rate will be limited to target achieving a spawning escapement of 55,000 Snohomish coho.

[FR Doc. 2021–02834 Filed 2–11–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 86, No. 28

Friday, February 12, 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.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 9, 36, 37, 38, 39, and 43

RIN 3038–AE25

Swap Execution Facilities and Trade Execution Requirement

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; partial withdrawal.

SUMMARY: On November 30, 2018, the Commodity Futures Trading Commission (''CFTC'' or the ''Commission'') published a ''Swap Execution Facilities and Trade Execution Requirement'' notice of proposed rulemaking (''NPRM'') in the **Federal Register**. While the Commission has adopted certain proposals from the NPRM, in light of feedback the Commission received in response to the remaining proposals in the NPRM, the Commission has determined to not proceed with those unadopted proposals relating to the regulation of swap execution facilities (''SEFs'') and the trade execution requirement (''Determination''). In separate final rules, the Commission adopted the following portions of the NPRM: Two exemptions, pursuant to Commodity Exchange Act (''CEA'') section 4(c), from the trade execution requirement in CEA section 2(h)(8); and final rules related to audit trail requirements for post-trade allocations, SEF financial resource requirements, and SEF chief compliance officer requirements (collectively, the ''Final Rules''). As such, this withdrawal does not impact or alter any of those sections of the NPRM that are being adopted in the Final Rules. In light of the Determination, the Commission has decided to withdraw the unadopted portions of the NPRM.

DATES: The Commission is withdrawing unadopted portions of the proposed rule published in the **Federal Register** on November 30, 2018 at 83 FR 61946 as of February 12, 2021. The affected portions of the proposed rule are described in **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Comments previously submitted in response to the NPRM remain on file at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 and may also be accessed via the CFTC Comments Portal: *https://comments.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Roger Smith, Associate Chief Counsel, Division of Market Oversight, (202) 418–5344, *rsmith@cftc.gov,* Commodity Futures Trading Commission, 525 West Monroe Street, Suite 1100, Chicago, IL 60661; or David E. Aron, Acting Associate Director, Division of Data, (202) 418–6621, *daron@cftc.gov,* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION: On November 30, 2018, the Commission published the NPRM, which proposed a comprehensive foundational shift in the regulatory framework for SEFs.[1] In particular, if adopted, the NPRM would have, among other things, (i) required that certain swaps broking entities, including interdealer brokers, and aggregators of single-dealer platforms register as SEFs pursuant to the registration requirement under CEA section 5h(a)(1); [2] (ii) broadened the scope of the trade execution requirement, but provided certain exemptions; (iii) allowed a SEF to offer flexible execution methods for swaps subject to the trade execution requirement; and (iv) established disclosure-based trading and execution rules applicable to any SEF execution method. In conjunction with flexible execution methods, the Commission also proposed limits on the scope of trading-related communications (''pre-execution communications'') that SEF participants may conduct away from a SEF's trading system or platform, as well as proficiency requirements for certain SEF employees who facilitate trading. Additionally, the Commission proposed amendments to impartial access rules that would provide a SEF with greater flexibility to structure its access requirements, and to tailor its rule enforcement program and disciplinary procedures and sanctions, to its trading operations and market. The proposed rules also would have made non-substantive amendments and various conforming changes to other Commission regulations.

In response to the NPRM, the Commission received fifty-six comment letters from SEFs, market participants, industry trade associations, public interest organizations, and other interested parties. The NPRM comprehensively sought to amend the SEF regulatory framework. For example, one commenter characterized the NPRM as a ''fundamental reconstruction of the 'SEF ecosystem,' '' and ''[the NPRM would] change many of the ways in which market participants interact with, and trade on, SEFs. This reconstruction of the existing ecosystem would present tall operational challenges and impose substantial costs on all market participants. . . .'' [3] Several commenters expressed concern over the magnitude of changes behind the NPRM. Therefore, to avoid potential and unintended adverse market impacts caused by comprehensive and far-reaching changes, several commenters preferred that the Commission adopt a more ''targeted'' approach.

The Commission, at the time, proposed the NPRM based on particular views regarding the need for a comprehensive revamping of the regulatory framework for SEFs. In light of feedback the Commission received in response to the NPRM, and upon further consideration, the Commission believes that rather than comprehensively amending the fundamentals underpinning the SEF regime, the Commission should instead work to improve the SEF framework through targeted rulemakings that address distinct issues. The Commission agrees with commenters that this approach will help the Commission avoid unintended adverse market impacts caused by the comprehensive and far-reaching changes of the NPRM.

Therefore, the Commission has determined to withdraw the unadopted portions of the pending NPRM in order to allow the Commission to propose and

[1] *See* the NPRM, 83 FR 61946 (Nov. 30, 2018), *available at: https://www.cftc.gov/sites/default/files/2018-11/2018-24642a.pdf.*

[2] 7 U.S.C. 7b–3(a)(1).

[3] Futures Industry Association (''FIA'') Letter at 7.

adopt targeted rulemakings to address specific SEF issues or requirements.[4]

Issued in Washington, DC, on December 23, 2020, by the Commission.

Christopher Kirkpatrick,

Secretary of the Commission.

Note: The following appendices will not appear in the Code of Federal Regulations.

Appendices to Swap Execution Facilities and Trade Execution Requirement—Commission Voting Summary, Chairman's Statement, and Commissioners' Statements

Appendix 1—Commission Voting Summary

On this matter, Chairman Tarbert and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Statement of Support of Chairman Heath P. Tarbert

Nearly two thousand years ago, the Stoic philosopher and statesman Seneca the Younger observed that ''*every new beginning comes from some other beginning's end*.'' This remains as true today as it was then, and as it was in the 1990s when the band Semisonic built a song around it.

I vote today in support of withdrawing the remaining unadopted portions of the November 2018 Swap Execution Facilities (''SEF'') and Trade Execution Requirement proposal (''SEF Proposal''). With the beginning of a new SEF landscape based on other rules we are announcing today, it is appropriate to bring that proposal—which was itself a beginning of sorts—to an end.

The SEF Proposal, which was championed by my predecessor Chairman Chris Giancarlo, was comprehensive in that it sought to codify staff no-action relief and otherwise resolve operational concerns of SEFs and market participants. It also set forth structural reforms to the SEF regime beyond these operational fixes. The SEF Proposal reflected a great deal of time, effort, and thought, and resulted in several rules ultimately adopted by the Commission. I am grateful indeed for Chairman Giancarlo's thought leadership and the path that the SEF Proposal set our agency upon.

In particular, our Commission yesterday adopted from the SEF Proposal: (1) Two exemptions, pursuant to Commodity Exchange Act (''CEA'') section 4(c), from the trade execution requirement in CEA section 2(h)(8); and (2) final rules related to audit trail requirements for post-trade allocations, SEF financial resource requirements, and SEF chief compliance officer requirements. With respect to the unadopted portions of the SEF Proposal, the feedback received from market participants and the public made clear that moving forward would require significantly more work and a re-proposal of the rules. Therefore, I believe it is appropriate to withdraw those unadopted elements. Doing so is also consistent with our Commission's reasoning for withdrawing Regulation AT a few months ago—we can start a new beginning only once we have ended the prior beginning.

Appendix 3—Statement of Support of Commissioner Brian D. Quintenz

I will vote in favor of withdrawing the unadopted provisions from the Commission's 2018 proposal comprehensively to amend the regulations applicable to swap execution facilities (SEFs),[1] but only because the Commission has already adopted many of these proposals, including in the areas of SEF financial resources, audit trail data, and exceptions to the trade execution requirement, so that the SEF ruleset becomes more practical for market participants. I note that many of the finalized provisions are based on longstanding no-action relief that has taken over eight years and a Republican administration to rationalize the inadequate ruleset left by the Commission's prior leadership.

I regret significantly, however, that certain aspects of the 2018 proposal have not been acted upon or debated as a Commission since. In particular, the CEA as amended by Dodd Frank, legally allows SEFs greater flexibility—specifically through ''any means of interstate commerce'' [2]—in which methods of execution they may offer for swaps subject to the trade execution requirement, than the overly prescriptive and government-knows-best requirement that a SEF may only provide either a RFQ-to-3 or a Central Limit Order Book (CLOB) trading mechanism, as dictated by an existing CFTC rule.[3] Indeed, such flexibility was recently requested by a wide range of market participants during the period of COVID-inspired market volatility and thin liquidity.[4] If such trade execution flexibility is necessary to support liquidity in a stressed environment, why would it not benefit the markets more generally in normal environments? Additionally, such flexibility is absolutely consistent with the definition of a SEF set forth in the CEA, that establishes a SEF as a multiple-to-multiple trading system.'' [5]

Appendix 4—Statement of Concurrence of Commissioner Rostin Behnam

More than two years ago, in November 2018, the Commission voted to propose a comprehensive overhaul of the existing framework for swap execution facilities (SEFs).[1] Today, the Commission issues two rules finalizing aspects of the SEF Proposal and a withdrawal of the SEF Proposal's unadopted provisions. This is the final step in a long road. Last month, the Commission finalized rules emanating from the SEF Proposal regarding codification of existing no-action letters regarding, among other things, package transactions.[2] Today's final rules and withdrawal complete the Commission's consideration of the SEF Proposal.

Back in November 2018, I expressed concern that finalization of the SEF Proposal would reduce transparency, increase limitations on access to SEFs, and add significant costs for market participants.[3] I also noted that, while the existing SEF framework could benefit from targeted changes, particularly the codification of existing no-action relief, the SEF framework has in many ways been a success. I pointed out that the Commission's work to promote swaps trading on SEFs has resulted in increased liquidity, while adding pre-trade price transparency and competition. Nonetheless, I voted to put the SEF Proposal out for public comment, anticipating that the notice and comment process would guide the Commission in identifying a narrower set of changes that would improve the current SEF framework and better align it with the statutory mandate and the underling policy objectives shaped after the 2008 financial crisis.[4] More than two years and many comment letters later, that is exactly what has happened. The Commission has been precise and targeted in its finalization of specific provisions from the SEF Proposal that provide needed clarity to market participants and promote consistency, competitiveness, and appropriate operational flexibility consistent with the core principles.

In addition to expressing substantive concerns about the overbreadth of the SEF Proposal, I also voiced concerns that we were rushing by having a comparatively short 75-day comment period.[5] In the end, the comment period was rightly extended, and the Commission has taken the time necessary to carefully evaluate the appropriateness of the SEF Proposal in consideration of its regulatory and oversight responsibilities and the comments received. I think that the consideration of the SEF Proposal is an example of how the process is supposed to

[4] Concurrently with this withdrawal, the Commission is adopting the Final Rules to implement various proposals from the NPRM. One of the Final Rules adopted two CEA section 4(c) exemptions from the trade execution requirement. Specifically, this final rulemaking adopted proposed § 36.1(c) and § 36.1(e), which were respectively re-numbered as § 36.1(b) and § 36.1(c) in the adopting release. *See* Exemption from Swap Execution Requirement, published in yesterday's issue of the **Federal Register**. The other adopted various proposals related to audit trail requirements for post-trade allocations, SEF financial resource requirements, and SEF chief compliance officer requirements. In particular, these final rules addressed the proposals for §§ 37.205(a) and (b)(2); 37.1301; 37.1302; 37.1303; 37.1304; 37.1305; 37.1306; 37.1307; and 37.1501. *See* Swap Execution Facilities, published in yesterday's issue of the **Federal Register**. This withdrawal does not impact or alter any of the Final Rules.

[1] SEFs and Trade Execution Requirement, 83 FR 61946 (Nov. 30, 2018).

[2] Definition of SEF, sec. 1a(50) of the CEA.

[3] CFTC reg. 37.9(a).

[4] Comment letter from ISDA, dated May 22, 2020, in response to the Commission's February 2020 proposal on SEF and Real-Time Reporting requirements (85 FR 9407 (Feb. 19, 2020)).

[5] Definition of SEF, sec. 1a(50) of the CEA.

[1] Swap Execution Facilities and Trade Execution Requirement, 83 FR 61946 (Nov. 30, 2018) (the ''SEF Proposal'').

[2] Swap Execution Facility Requirements (Nov. 18, 2020), *https://www.cftc.gov/PressRoom/PressReleases/8313-20.*

[3] Statement of Concurrence of Commissioner Rostin Behnam Regarding Swap Execution Facilities and Trade Execution Requirement, *https://www.cftc.gov/PressRoom/SpeechesTestimony/behnamstatement110518a.*

[4] *Id.*

[5] *Id.*

work. When we move too quickly toward the finish line and without due consideration of the surrounding environment, we risk making a mistake that will impact our markets and market participants.

Finally, I would like to address the Commission's separate vote to withdraw the unadopted provisions of the SEF Proposal. In the past, I have expressed concern with such withdrawals by an agency that has historically prided itself on collegiality and working in a bipartisan fashion.[6] In the case of today's withdrawal, the Commission has voted on all appropriate aspects of the SEF Proposal through three rules finalized during the past month. The Commission has voted unanimously on all of these rules, including today's decision to withdraw the remainder from further consideration. While normally a single proposal results in a single final rule, in this instance, multiple final rules have been finalized emanating from the SEF Proposal. This could lead to confusion regarding the Commission's intentions regarding the many unadopted provisions of the SEF Proposal. Under such circumstances, I think it is appropriate to provide market participants with clarity regarding the SEF Proposal. Accordingly, I will support today's withdrawal of the SEF Proposal. But rather than viewing it as a withdrawal of the SEF Proposal, I see it as an affirmation of the success of the existing SEF framework and the careful process to markedly improve the SEF framework in a measured and thoughtful way.

Appendix 5—Statement of Commissioner Dan M. Berkovitz

I support the Commission's decision to withdraw its 2018 proposal to overhaul the regulation of swap execution facilities (''SEFs'')[1] (''2018 SEF NPRM'') and proceed instead with targeted adjustments to our SEF rules (''Final Rules''). The two Final Rules approved today will make minor changes to SEF requirements while retaining the progress we have made in moving standardized swaps onto electronic trading platforms, which has enhanced the stability, transparency, and competitiveness of our swaps markets.[2]

When the Commission issued the 2018 SEF NPRM, I proposed that we enhance the existing swaps trading system instead of dismantling it. For example, I urged the Commission to clarify the floor trader exception to the swap dealer registration requirement and abolish the practice of post-trade name give-up for cleared swaps. I am pleased that the Commission already has acted favorably on both of those matters. Today's rulemaking represents a further positive step in this targeted approach.

Many commenters to the 2018 SEF NPRM supported this incremental approach, advocating discrete amendments rather than wholesale changes. Today, the Commission is adopting two Final Rules that codify tailored amendments that received general support from commenters. The first rule—Swap Execution Facilities—amends part 37 to address certain operational challenges that SEFs face in complying with current requirements, some of which are currently the subject of no-action relief or other Commission guidance. The second rule—Exemptions from Swap Trade Execution Requirement—exempts two categories of swaps from the trade execution requirement, both of which are linked to exceptions to or exemptions from the swap clearing requirement.

Swap Execution Facilities: Audit Trail Data, Financial Resources and Reporting, and Requirements for Chief Compliance Officers

Commission regulations require a SEF to capture and retain all audit trail data necessary to detect, investigate, and prevent customer and market abuses, which currently includes identification of each account to which fills are ultimately allocated.[3] Following the adoption of these regulations, SEFs represented that they are unable to capture post-execution allocation data because the allocations occur away from the SEF, prompting CFTC staff to issue no-action relief. Other parties, including DCOs and account managers, must capture and retain post-execution allocation information and produce it to the CFTC upon request, and SEFs are required to establish rules that allow them obtain this allocation information from market participants as necessary to fulfill their self-regulatory responsibilities. Given that staff is not aware of any regulatory gaps that have resulted from SEFs' reliance on the no-action letter, codifying this alternative compliance framework is appropriate.

This Swap Execution Facility final rule also will amend part 37 to tie a SEF's financial resource requirements more closely to the cost of its operations, whether in complying with core principles and Commission regulations or winding down its operations. Based on its experience implementing the SEF regulatory regime, the Commission believes that these amended resource requirements—some of which simply reflect current practice—will be sufficient to ensure that a SEF is financially stable while avoiding the imposition of unnecessary costs. Additional amendments to part 37, including requirements that a SEF must prepare its financial statements in accordance with U.S. GAAP standards, identify costs that it has excluded in determining its projected operated costs, and notify the Commission within 48 hours if it is unable to comply with its financial resource requirements, will further enhance the Commission's ability to exercise it oversight responsibilities.

Finally, this rule makes limited changes to the Chief Compliance Officer (''CCO'') requirements. As a general matter, I agree that the Commission should clarify certain CCO duties and streamline CCO reporting requirements where information is duplicative or not useful to the Commission. Although the CCO requirements diverge somewhat from those for futures commission merchants and swap dealers, the role of SEFs is different and therefore, standardization is not always necessary or appropriate. I expect that the staff will continue to monitor the effects of all of the changes adopted today and inform the Commission if it believes further changes to our rules are needed.

Exemptions From Swap Trade Execution Requirement

Commodity Exchange Act (''CEA'') section 2(h)(8) specifies that a swap that is excepted from the clearing requirement pursuant to CEA section 2(h)(7) is not subject to the requirement to trade the swap on a SEF. Accordingly, swaps that fall into the statutory swap clearing exceptions (*e.g.,* commercial end-users and small banks) are also excepted from the trading mandate. However, the Commission has also exempted from mandatory clearing swaps entered into by certain entities (*e.g.,* cooperatives, central banks, and swaps between affiliates) using different exemptive authorities from section 2(h)(7).

The Exemptions from Swap Trade Execution Requirement final rule affirms the link between the clearing mandate and the trading mandate for swaps that are exempted from the clearing mandate under authorities other than CEA section 2(h)(7). The additional clearing exemptions are typically provided by the Commission to limited types of market participants, such as cooperatives or central banks that use swaps for commercial hedging or have financial structures or purposes that greatly reduce the need for mandatory clearing and SEF trading. In addition, limited data provided in the release indicates that, at least up to this point in time, these exempted swaps represent a small percentage of the notional amount of swaps traded.

This final rule also exempts inter-affiliate swaps from the trade execution requirement. These swaps are exempted from the clearing requirement primarily because the risks on both sides of the swap are, at least in some respects, held within the same corporate enterprise. As described in the final rule release, these swaps may not be traded at arms-length and serve primarily to move risk from one affiliate to another within the same enterprise. Neither market transparency nor price discovery would be enhanced by including these transactions within the trade execution mandate. For these reasons, I am approving the Exemptions from Swap Trade Execution Requirement final rule as a sensible exemption consistent with the relevant sections of the CEA.

Conclusion

These two Final Rules provide targeted changes to the SEF regulations based on experience from several years of implementing them. These limited changes, together with the withdrawal of the remainder of the 2018 SEF NPRM, effectively

[6] Rostin Behnam, Commissioner, CFTC, Dissenting Statement of Commissioner Rostin Behnam Regarding Electronic Trading Risk Principles (June 25, 2020), *https://www.cftc.gov/PressRoom/SpeechesTestimony/behnamstatement062520b.*

[1] Swap Execution Facilities and Trade Execution Requirement, 83 FR 61946 (Nov. 30, 2018).

[2] Dissenting Statement of Commissioner Dan M. Berkovitz Regarding Proposed Rulemaking on Swap Execution Facilities and Trade Execution Requirement (Nov, 5, 2018), available at *https://www.cftc.gov/PressRoom/SpeechesTestimony/berkovitzstatement110518a.*

[3] 17 CFR 37.205(a), b(2)(iv).

leave in place the basic framework of the SEF rules as originally adopted by the Commission. This framework has enhanced market transparency, improved competition, lowered transaction costs, and resulted in better swap prices for end users. While it may be appropriate to make other incremental changes going forward, it is important that we affirm the established regulatory program for SEFs to maintain these benefits and facilitate further expansion of this framework.

I thank the staff of the Division of Market Oversight for their work on these two rules and their helpful engagement with my office.

[FR Doc. 2020–28945 Filed 2–11–21; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2020–0542; FRL–10017–35–Region 5]

Air Plan Approval; Illinois; Volatile Organic Material Definition Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Illinois State Implementation Plan (SIP). The revision will amend the Illinois Administrative Code (IAC) by updating the definition of volatile organic material (VOM) and volatile organic compounds (VOC) to exclude (Z)-1,1,1,4,4,4-hexafluorobut-2-ene. This revision is consistent with an EPA rulemaking in 2018, which exempted this compound from the Federal definition of VOC on the basis that the compound makes a negligible contribution to tropospheric ozone formation.

DATES: Comments must be received on or before March 15, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2020–0542 at *http://www.regulations.gov,* or via email to *aburano.douglas@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Andrew Lee, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–7645, *lee.andrew.c@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information

Tropospheric ozone, commonly known as smog, is formed when VOC and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful effects of ozone, EPA and state governments implement rules to limit the amount of certain VOC and NO_X that can be released into the atmosphere. VOC are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that form ozone through atmospheric photochemical reactions. VOC have different levels of reactivity; they do not react at the same speed or form ozone to the same extent.

The Clean Air Act (CAA) requires the regulation of VOC for various purposes. Section 302(s) of the CAA specifies that EPA has the authority to define the meaning of VOC, and hence, what compounds shall be treated as VOC for regulatory purposes. EPA's longstanding policy is that compounds of carbon with negligible reactivity need not be regulated to reduce ozone and should be exempted from the regulatory definition of VOC. *See* 42 FR 35314 (July 8, 1977), 70 FR 54046 (Sept. 13, 2005).

EPA uses the reactivity of ethane as the threshold for determining whether a compound makes a negligible contribution to tropospheric ozone formation. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and, therefore, suitable for exemption by EPA from the regulatory definition of VOC. EPA lists compounds it has determined to be negligibly reactive, and thus excluded from the regulatory definition of VOC, in 40 CFR 51.100(s).

On November 28, 2018, EPA added cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO–1336mzz-Z; Chemical Abstract Service (CAS) RN 692–49–9), a hydrofluoroolefin, to the list of compounds excluded from the regulatory definition of VOC because it makes a negligible contribution to ground-level ozone formation. *See* 83 FR 61127.

II. The Illinois Submittal

On October 20, 2020, the Illinois Environmental Protection Agency (IEPA) submitted amendments to 35 IAC 211.7150 ''Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)'' for approval as revisions to the Illinois SIP. Illinois' SIP currently includes a definition of VOM at 35 IAC 211.7150. *See* 81 FR 95475 (Dec. 28, 2016). Subsection (a) of 35 IAC 211.7150 includes a list of compounds excluded from the regulatory definition of VOC, which reflect some of the compounds EPA has excluded in 40 CFR 51.100(s), on the basis that they make a negligible contribution to tropospheric ozone formation.

The proposed SIP revision updates the compounds excluded from the definition of VOM to conform to EPA's recent exemption of a chemical compound from regulations of ozone precursors. Specifically, the SIP revision excludes (Z)-1,1,1,4,4,4-hexafluorobut-2-ene from the definition of VOM or VOC at 35 IAC 211.7150. Illinois uses the International Union of Pure and Applied Chemistry (IUPAC) preferred name of (Z)-1,1,1,4,4,4-hexafluorobut-2-ene instead of cis-1,1,1,4,4,4-hexafluorobut-2-ene when addressing the compound. These changes do not interfere with the Federal listing of excluded compounds, and provide more specific chemical composition, structural, and isomeric identification information. Illinois also lists the compound by its other identifiers: HFO–1336mzz–Z and CAS No. 692–49–9.

The Illinois Pollution Control Board (IPCB) held a public hearing on the proposed SIP revision on July 16, 2020. IPCB received three comments at the public hearing that resulted in no

substantial changes to the amendment. IPCB also adopted minor administrative changes such as alphabetizing compound names and adopting IUPAC names for some compounds listed at 35 IAC 211.7150.

III. EPA's Analysis of the Proposed SIP Revision

In 2014, EPA received a petition requesting that cis-1,1,1,4,4,4-hexafluorobut-2-ene be exempted from VOC control based on its low reactivity, using ethane as a benchmark. Based on the mass maximum incremental reactivity value for the compound being less than that of ethane, EPA concluded that this compound makes negligible contributions to tropospheric ozone formation. Additionally, EPA considered risks not related to tropospheric ozone associated with currently allowed uses of the chemical to be acceptable. As a result, on November 28, 2018, EPA responded to the petition by amending 40 CFR 51.100(s) to exclude this chemical compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA. *See* 83 FR 61127 (Nov. 28, 2018). EPA's action became effective on January 28, 2019.

By excluding cis-1,1,1,4,4,4-hexafluorobut-2-ene from the definition of VOM at 35 IAC 211.7150, Illinois' proposed SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

IV. What action is EPA taking?

EPA is proposing to approve the revision to the Illinois SIP at 35 IAC 211.7150 submitted on October 20, 2020. The proposed approval of the revision meets the criteria of the CAA and applicable Federal regulations.

V. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference revisions to 35 IAC 211.7150 ''Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)'', effective August 18, 2020. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 4, 2021.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2021–02744 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906–AB24

National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table; Notice of Proposed Rulemaking; Public Comment Period; Delay of Effective Date

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking; proposed delay of effective date; request for comments.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action proposes, following a brief public comment period, to further delay until April 23, 2021, the effective date of the rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table,'' published in the **Federal Register** on January 21, 2021. That final rule is scheduled to take effect on February 22, 2021. HHS seeks comments on this proposed delay, which would allow it additional opportunity for review and consideration of the new rule.

DATES: Written comments and related material to this proposed rule must be received to the online docket via *https://www.regulations.gov* on or before February 16, 2021.

ADDRESSES: You may submit written comments electronically by the

following method: *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.

Instructions. Include the HHS Docket No. HRSA–2021–0001 in your comments. All comments received will be posted without change to *http://www.regulations.gov.* Please do not include any personally identifiable or confidential business information you do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Please visit the National Vaccine Injury Compensation Program's website, *https://www.hrsa.gov/vaccinecompensation/,* or contact Tamara Overby, Acting Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, HRSA, Room 08N146B, 5600 Fishers Lane, Rockville, MD 20857; by email at *vaccinecompensation@hrsa.gov;* or by telephone at (855) 266–2427.

SUPPLEMENTARY INFORMATION: HHS published a notice of proposed rulemaking on July 20, 2020 (85 FR 43794), and final rule on January 21, 2021 (86 FR 6249). That final rule amended the provisions of 42 CFR 100.3 by removing Shoulder Injury Related to Vaccine Administration, vasovagal syncope, and Item XVII from the Vaccine Injury Table. The January 20, 2021, memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' instructed federal agencies to consider delaying the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days so that the new Administration may review recently published rules for ''any questions of fact, law, and policy the rule may raise.'' The memorandum notes certain exceptions that do not apply here. On January 20, 2021, the Office of Management and Budget (OMB) also published OMB Memorandum M–21–14, Implementation of Memorandum Concerning Regulatory Freeze Pending Review, which provides guidance regarding the Regulatory Freeze Memorandum. See OMB M–21–14, Implementation of Memorandum Concerning Regulatory Freeze Pending Review, *https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-14-Regulatory-Review.pdf.* OMB M–21–14 explains that pursuant to the Regulatory Freeze Memorandum, agencies ''should consider postponing the effective dates for 60 days and reopening the rulemaking process'' for ''rules that have not yet taken effect and about which questions involving law, fact, or policy have been raised.'' Id. In accordance with the Regulatory Freeze Memorandum and OMB M–21–14, HHS proposes to delay the effective date of the final rule revising the Vaccine Injury Table to April 23, 2021, which would be 60 days beyond its original effective date. HHS needs to extend the effective date of the underlying rule by 60 days to determine whether its promulgation raises any legal issues, including but not limited to (1) whether the Advisory Commission on Childhood Vaccines was properly notified of the proposed rule pursuant to 42 U.S.C. 300aa–14(c), and (2) whether the public was properly notified of the entire revised regulation, 42 CFR 100.3(b)–(e) (including the qualifications and aids to interpretation and the coverage provisions), given that both the proposed and final rules published in the **Federal Register** included only the revised Vaccine Injury Table itself, but not the entire revised regulation. HHS believes that the proposed delay is reasonable, would allow HHS time to receive public comments, and would not be disruptive since the underlying rule has not yet taken effect and the agency has not yet implemented the rule.

HHS seeks comment on the proposed delay, including the proposed delay's impact on any legal, factual, or policy issues raised by the underlying rule and whether further review of those issues warrants such a delay. All other comments on the underlying rule will be considered to be outside the scope of this rulemaking. HHS therefore seeks comment by February 16, 2021 on its proposal to extend the effective date by 60 days to April 23, 2021.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–03069 Filed 2–11–21; 8:45 am]

BILLING CODE 4165–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 21–31; DA 21–98; FRS 17466]

Wireline Competition Bureau Seeks Comment on Petitions for Emergency Relief To Allow the Use of E-Rate Funds To Support Remote Learning During the COVID–19 Pandemic

AGENCY: Federal Communications Commission.

ACTION: Solicitation of comments.

SUMMARY: In this document, the Wireline Competition Bureau (the Bureau) seeks comment on petitions for emergency relief from parties asking the Federal Communications Commission (Commission) to permit the use of E-Rate program funds to support remote learning during this unprecedented public health emergency.

DATES: Comments are due February 16, 2021 and Reply Comments are due February 23, 2021.

ADDRESSES: Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before February 16, 2021, and reply comments on or before February 23, 2021. All filings should refer to WC Docket No. 21–31. Comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments and replies may be filed electronically using the internet by accessing ECFS: *http://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. Filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L St NE, Washington, DC 20554.

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19.

FOR FURTHER INFORMATION CONTACT: Gabriela Gross, Wireline Competition Bureau, (202) 418–7400 or by email at *Gabriela.Gross@fcc.gov.* We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to *fcc504@fcc.gov* or call the Consumer

and Governmental Affairs Bureau at (202) 418–0530

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Public Notice in WC Docket No. 21–31; DA 21–98, released on February 1, 2021. Due to the COVID–19 pandemic, the Commission's headquarters will be closed to the general public until further notice. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.* The full text of this document is available at the following internet address: *https://www.fcc.gov/document/fcc-seeks-comment-using-e-rate-funding-support-remote-learning.*

Proceedings in this document shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by rule § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in these proceedings should familiarize themselves with the Commission's *ex parte* rules.

The COVID–19 pandemic has underscored the critical need for broadband connections for millions of Americans, including students and teachers across the country. To mitigate the spread of the disease, schools and libraries have shut their doors and transitioned to remote learning and virtual services, either in whole or in part, leaving those students who found themselves caught in the ''Homework Gap'' before the pandemic facing extraordinary hardship and at risk of being unable to participate in any virtual studies.

As a result of the impact of the COVID–19 pandemic on schools and libraries, the Commission has received at least 11 petitions for emergency relief from parties asking the FCC to permit the use of E-Rate program funds to support remote learning during this unprecedented public health emergency (collectively, Petitions). By this document, the Bureau seeks comment on those Petitions. In so doing, the Bureau highlights three of the petitions, that together raise most of the issues covered by other Petitioners: A petition filed by a coalition of E-Rate stakeholders led by the Schools, Health & Libraries Broadband (SHLB) Coalition, a petition for waiver filed on behalf of the State of Colorado and one filed by the State of Nevada, the Nevada State Board of Education, and the Nevada Department of Education.

As the pandemic continues to force schools and libraries across the country to remain closed and rely on remote learning and virtual services, either in whole or in part, the need for broadband connections—particularly for those students, teachers, staff, and patrons that lack an adequate connection at home—is more critical than ever. Eligible schools and libraries explain that they are hampered in their ability to address the connectivity needs brought on, and in many cases exacerbated, by COVID–19 because of the restrictions on off-campus use of E-Rate-funded services and facilities. Last spring, as the COVID–19 pandemic forced schools and libraries to grapple with the challenges of transitioning to remote learning, the FCC began to receive requests for emergency relief aimed at ensuring that all students have sufficient connectivity at home. Below, the Bureau summarizes three petitions, which reflect the experience of schools and libraries dealing with many months of remote learning.

Most recently, a coalition of stakeholders led by SHLB filed a petition for declaratory ruling and waivers asking the FCC to allow E-Rate-funded services and equipment to be used off-campus to enable remote learning for the duration of the pandemic. SHLB urges the Bureau, on delegated authority, to declare that during the pandemic, remote learning meets the standard of serving an ''educational purpose'' and thus, any off-campus use does not need to be removed from funding requests. SHLB also proposes opening a separate ''Remote Learning Application Filing Window'' to allow applicants to file new or revised requests for additional E-Rate funds for off-campus services and equipment that facilitate remote learning during funding years 2020 and 2021. SHLB recommends that the FCC provide unused E-Rate funds to support these Remote Learning applications and use the existing E-Rate discount methodologies to prioritize funding. SHLB further requests a waiver of E-Rate program rules, including the competitive bidding, application, and eligible services rules to facilitate the Remote Learning Application Filing Window.

Last fall, Colorado filed a petition requesting waiver of the prohibition on the use of E-Rate funds and E-Rate-funded facilities and services to allow schools to extend their broadband internet connectivity to students who lack adequate internet connectivity at home, and the requirement to cost-allocate such off-campus use. Colorado explains that temporarily waiving the restrictions on off-campus use of E-Rate-supported equipment and services is consistent with the Communications Act, which requires the Commission to provide support for services that ''are essential to education, public health, or public safety'' and ''are consistent with the public interest, convenience, and necessity.'' Colorado further explains that because the school classroom has shifted from a shared physical space to a virtual space during the pandemic, the Commission can and should waive the E-Rate program requirements accordingly to provide students with the broadband internet connectivity needed to fully engage in remote learning. Colorado contends that the FCC can rely on the same statutory authority to allow schools to extend connectivity to students' homes that the Commission relied on to establish the Connected Care Pilot Program, which funds the purchase of internet access service for participating telehealth patients' remote use.

Last summer, Nevada filed a request for waiver of the restrictions on the use of E-Rate-funded broadband

connectivity beyond school property. Nevada proposes to install fixed wireless hotspots on the roofs of school buildings to extend their E-Rate-funded broadband internet connectivity to a two-to-three-mile radius around each school site for students' and staff's use. Nevada specifies that access to the schools' networks would be restricted to students and staff through specific credentials or by their registered devices. According to Nevada, by leveraging existing fiber connections, fixed wireless hotspots could ''bridge 60% of the current connectivity gaps that exist due to geographic and economic limitations across the State.''

The Bureau seeks comment on these and the other issues raised by the three above-referenced petitions as well as the other petitions. To focus our consideration of the requests, the Bureau offers some more specific areas of inquiry.

The Bureau seeks comment on the specific equipment and services that E-Rate should support to fund off-campus access to broadband services for students, staff and patrons who lack adequate home internet access. For example, the SHLB Petition requests E-Rate support for wired or wireless network equipment and services necessary for remote learning, including, but not limited to, wireless hotspot devices and fixed or mobile wireless towers. Do other commenters agree that these services and equipment are needed to support remote learning? Are there other or different services or equipment that are needed to support remote learning? For example, should modems, routers, devices that combine a modem and router, or connected devices be eligible? With respect to broadband connectivity, what level of service is required to support remote learning? The Bureau also seeks comment on the cost of the services and equipment needed to support remote learning. The Bureau encourages schools, libraries and other stakeholders that have recent experience with these services and costs to provide specific information about the services they are purchasing, the costs they are paying and what they have done to ensure the services are sufficient and the costs are reasonable.

E-Rate program rules require applicants to select the most cost-effective service offering, consistent with section 254(h)(2)(A) of the Act. Competitive bidding is a cornerstone of the E-Rate program, ensuring that applicants are informed of their options and service providers have sufficient information to provide services, leading to cost-effective pricing, and protecting limited E-Rate funds from waste, fraud, and abuse. At the same time, due to the urgency with which schools have needed to adapt to remote learning, both the Colorado and SHLB Petitions seek waivers of competitive bidding rules. In the absence of such a safeguard, how can the Commission ensure that applicants are making cost-effective purchases? Is payment of the non-discount share a sufficient incentive to prevent wasteful spending? Would the same be true if adjustments are made to the non-discount share? What steps have schools and libraries that are currently providing off-premises broadband services to students, staff and patrons taken to ensure that they are making cost effective purchases? What other limitations or guardrails exist or are necessary to prevent waste, fraud, or abuse of E-Rate program funds? Should, for example, the Commission subject recipients of E-rate funds for remote learning equipment and services to audits similar to those conducted in the regular E-Rate program? Should the Commission apply existing E-Rate program record keeping requirements to any funds it provides to enable remote learning? What other measures should the FCC use to safeguard these funds and ensure they are used to target students and teachers who lack sufficient internet access at home?

Publicly available information strongly suggests that substantially more funding might be needed than is potentially available through the E-Rate program. In the event that demand exceeds available funding, how should the off-campus requests be prioritized? The Bureau seeks comment on the best approach to quickly and equitably make funding available to those with the most need.

How can the Commission ensure that available funds are efficiently targeted and focused on the needs of rural students; Native American, African American and LatinX students; students with disabilities; and other populations of students that are disproportionally affected by the Homework Gap or are more expensive or difficult to reach? Does the E-Rate program's existing discount rate system adequately target students that fall into the Homework Gap, especially low-income students and those in rural or remote areas? How can the Commission prioritize limited E-Rate support to those students, staff, or patrons that still do not have adequate home internet access to fully engage in remote learning?

Colorado requests that the Commission waive its restrictions on off-campus use of E-Rate-supported services during the COVID–19 pandemic and asserts that remote learning will remain a significant, if not exclusive, mode of instruction through at least the 2020–21 school year. SHLB requests that the Commission waive its restrictions on off-campus use for funding years 2020 and 2021, due to the uncertainties of whether students will be able to return to the classrooms during the upcoming 2021–2022 school year. If relief is granted to the Petitioners, should the relief provided apply on a prospective basis in order to target the students and staff that remain without adequate home internet access? Or, recognizing that COVID–19 has forced schools and libraries across the country to dramatically shift the way they operate and provide education and library services since the first closures began in March 2020, should the relief provided apply retroactively to services and equipment purchased during funding year 2020? If funding is allowed for prior purchases, how can the Commission ensure that limited E-Rate funds are not used to pay for services and equipment that were reimbursed with other federal funding, including funding made available through the CARES Act or through the Emergency Broadband Benefits Program? Commenters should explain how the funding sought through the E-Rate program to address insufficient internet access at home would not be duplicative of funding available through the Emergency Broadband Benefits Program. What are the guardrails or other measures that should be used to avoid duplication of limited funds and ensure the funds are targeted to students and teachers lacking adequate internet access at home? Should the Commission prioritize prospective relief over reimbursements for prior purchases? What should be the timeframe for this relief? Should it start when the COVID–19 pandemic was declared a national emergency? Should it end when the national emergency is rescinded, or should another marker be used to define this period?

According to SHLB and Colorado, allowing E-Rate-funded off-campus support for students with inadequate internet access at home during the pandemic is consistent with the Commission's authority to determine which services to support under the Communications Act. SHLB explains that the Commission can clarify that off-campus use of equipment to support remote learning during the pandemic constitutes an educational purpose under section 254(h)(1)(B). Colorado asserts that the inaccessibility of physical classrooms during the

pandemic enables the Commission to deem at-home connectivity eligible for these purposes under section 254(c)(1), which requires the Commission to take into consideration, when determining eligible services, which services ''are essential to education, public health, or public safety'' and ''are consistent with the public interest, convenience, and necessity.'' SHLB offers a variety of arguments for rejecting suggestions that the reference to ''classrooms'' in section 254(b)(6) and 254(h)(2)(A) which provide that ''[t]he Commission shall establish competitively neutral rules . . . to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms . . . .'' limits the Commission's ability to provide E-Rate supported broadband for remote learning. SHLB points out that the Commission already provides E-rate support for some off-campus services and echoes Colorado's argument that during the pandemic students' and teachers' homes have become virtual classrooms. Both SHLB and Colorado argue that the Commission relied on its authority under section 254(h)(2)(A) of the Act to allow health care providers to purchase internet access services for participating patients' use in their homes or mobile locations during the pandemic in the Connected Care Pilot Program and can take a similar action in the E-Rate program. They also both point out that the Commission has the statutory authority to designate additional E-Rate supported services. The Bureau invites other stakeholders to comment on the Commission's legal authority to use E-Rate funding to help address the remote learning challenges created by the COVID–19 Pandemic.

Federal Communications Commission.

Cheryl Callahan,

Assistant Chief, Telecommunications Access Policy Division Wireline Competition Bureau.

[FR Doc. 2021–02997 Filed 2–10–21; 4:15 pm]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 210205–0014]

RIN 0648–BK27

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve changes to the Pacific Halibut Catch Sharing Plan for the International Pacific Halibut Commission's regulatory Area 2A off of Washington, Oregon, and California. In addition, NMFS proposes to implement management measures governing the 2021 recreational fisheries that are not implemented through the International Pacific Halibut Commission. These measures include the recreational fishery seasons, allocations, and management measures for Area 2A. These actions are intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: Comments on the proposed rule must be received on or before March 15, 2021.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2020–0157, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0157,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry Thom, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/fisheries-management-west-coast* and at the Council's website at *http://www.pcouncil.org.* Other comments received may be accessed through *Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kathryn Blair, phone: 503–231–6858, fax: 503–231–6893, or email: *kathryn.blair@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Northern Pacific Halibut Act of 1982 (Halibut Act) gives the Secretary of Commerce (Secretary) responsibility for implementing the provisions of the Halibut Convention between the United States and Canada. 16 U.S.C. 773–773k. The Halibut Act requires that the Secretary adopt regulations to carry out the purposes and objectives of the Halibut Convention and Halibut Act. 16 U.S.C. 773(c). The Halibut Act also authorizes the regional fishery management councils having authority for a particular geographic area to develop regulations in addition to, but not in conflict with, regulations issued by the International Pacific Halibut Commission (IPHC) to govern the Pacific halibut catch in U.S. Convention waters (16 U.S.C. 773c(c)).

Since 1988, the Pacific Fishery Management Council (Council) has developed, and NMFS has approved, annual Catch Sharing Plans that allocate the IPHC regulatory Area 2A Pacific halibut catch limit between treaty Indian and non-Indian harvesters, and among non-Indian commercial and recreational (sport) fisheries. In 1995, the Council recommended, and NMFS approved, a long-term Area 2A Catch Sharing Plan (60 FR 14651; March 20, 1995). NMFS has been approving adjustments to the Area 2A Catch Sharing Plan based on Council recommendations each year to address the changing needs of these fisheries. While the full Catch Sharing Plan is not published in the **Federal Register**, it is made available on the Council and NMFS websites.

At its annual meeting January 25–29, 2021, the IPHC recommended an Area 2A catch limit. This catch limit is derived from the total constant exploitation yield (TCEY), which includes commercial discards and

bycatch estimates calculated using a formula developed by the IPHC. As provided in the Halibut Act at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention. Following acceptance by the Secretary of State, the annual management measures promulgated by the IPHC are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements (50 CFR 300.62). The rule containing the 2020 IPHC regulations and management measures was published in the **Federal Register** on March 13, 2020 (85 FR 14586).

This rule proposes to approve the Council's recommended changes to the Catch Sharing Plan for IPHC regulatory Area 2A, which affect only the recreational fishery. In addition, this rule would implement 2021 recreational Pacific halibut fishery management measures, which include season opening and closing dates, retention of groundfish species, allowable gear, and opening closed areas that are set in NMFS regulations. These management measures were developed through the Council's public process and are detailed below.

Proposed Changes to the 2021 Area 2A Catch Sharing Plan

Each year at the Council's September meeting, members of the public have an opportunity to propose changes to the Catch Sharing Plan for consideration by the Council. At the September 2020 Council meeting, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), and California Department of Fish and Wildlife (CDFW) proposed changes to the Catch Sharing Plan. The Council voted to solicit public input on most of the changes recommended by WDFW, ODFW, and CDFW. Input on these proposed changes was then gathered through public workshops subsequently held by WDFW and ODFW.

At its November 2020 meeting, the Council considered the input received through these public workshops on the changes to the Catch Sharing Plan proposed by WDFW, ODFW, and CDFW, along with other public input provided at the 2020 September and November Council meetings, and made its final recommendations for modifications to the Catch Sharing Plan to NMFS. NMFS proposes to approve all of the Council's recommended changes to the Catch Sharing Plan as discussed below.

1. In section 6.9.3(h) of the Catch Sharing Plan, the Council recommended removing prohibition on fishing within two Yelloweye Rockfish Conservation Areas (YRCAs) to be consistent with West Coast groundfish regulations. The 2021–2022 groundfish harvest specifications final rule (85 FR 79880; December 11, 2020) included a modification to regulations at 50 CFR 660.360(c)(1)(i)(B) and (C) to allow for recreational fishing for groundfish and halibut within the South Coast Recreational YRCA and the Westport Offshore Recreational YRCA. Consistent with the groundfish regulations, this Catch Sharing Plan change removes the prohibition on recreational groundfish and halibut fishing in these two YRCAs and removes the description of the YCRAs.

2. In section 6.10(g) of the Catch Sharing Plan, the Council recommended allowing anglers fishing for Pacific halibut in the Columbia River subarea in Washington to retain certain midwater rockfish species, specifically yellowtail, widow, canary, redstriped, greenstriped, silvergray, chilipepper, bocaccio, and blue/deacon rockfish, in addition to the species currently allowed for retention. This change would increase angler opportunity by permitting retention of more groundfish species than were previously allowed in regulation.

3. In section 6.11.1(g) and 6.11.2(g) of the Catch Sharing Plan, the Council recommended allowing anglers in Oregon to use long-leader fishing gear to retain certain groundfish species on the same fishing trip in which they also participate in the all-depth halibut fishery. This change would increase angler opportunity by permitting retention of more species than were previously allowed in regulation.

4. In section 6.12(d) of the Catch Sharing Plan, the Council recommended changing the season end date on the California Coast from October 31 to November 15. In 2019, the California recreational fishery was open May 1 through October 31, and attained around 17,000 pounds of the 39,000 pound quota. This change provides flexibility to extend the season by two weeks to allow for additional angler opportunity.

Additional discussion of these changes is included in the materials submitted to the Council at its September and November meetings, available at *https://www.pcouncil.org/council-meetings/previous-meetings/*. A version of the Catch Sharing Plan including these changes can be found at *https://www.pcouncil.org/managed_fishery/pacific-halibut/*.

Proposed 2021 Recreational Fishery Management Measures

Following the Council's recommendations in the Catch Sharing Plan, NMFS also proposes to implement recreational fishery management measures, including season dates for the 2021 fishery. The Catch Sharing Plan includes a framework for setting days open for fishing by subarea, and each state submits final recommended season dates annually to NMFS during the proposed rule comment period. This proposed rule contains dates for the recreational (though referred to as ''sport'' in IPHC documents, ''recreational'' will be used in this rule) fisheries based on the 2021 Catch Sharing Plan as recommended by the Council. The season dates preferred for Washington, following input from the public, are proposed here. The proposed season dates for Oregon are based on the Catch Sharing Plan framework and season dates from 2020. The proposed season dates for California are the start and end dates in the 2021 Catch Sharing Plan, including the revised season end date of November 15. The final rule will provide season dates based on public comment, including comments from Oregon and California after each state has concluded its public meetings gathering input on season dates.

Separate from this rule and described above, annual management measures promulgated by the IPHC are published each year through a final rule under NMFS authority to implement the Halibut Convention (50 CFR 300.62). For the 2020 fishing season, the final rule for the IPHC regulations was published on March 13, 2020 (85 FR 14586), and the final rule for Area 2A recreational fisheries was published on May 1, 2020 (85 FR 25317). At the 2021 IPHC meeting, the IPHC approved the 2021 halibut regulations. NMFS plans to publish those regulations prior to the start of the 2021 halibut fishery if approved by the Secretary of State with concurrence by the Secretary of Commerce.

NMFS proposes the following Area 2A recreational fishery management measures consistent with the Council's Catch Sharing Plan. After the opportunity for public comment, NMFS will publish a final rule approving the Catch Sharing Plan and promulgating the annual management measures for the Area 2A recreational fishery, as required by implementing regulations at 50 CFR 300.63(b)(1). The subarea allocations in this proposed rule are based on the 2021 IPHC halibut

regulations approved by the IPHC and the allocation formula in the Council's Catch Sharing Plan.

2021 Annual Recreational Management Measures

The recreational fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the inseason actions consistent with 50 CFR 300.63(c). All recreational fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

Washington Puget Sound and the U.S. Convention Waters in the Strait of Juan de Fuca

The quota for the area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N lat., 124°23.70′ W long. north to 48°24.10′ N lat., 124°23.70′ W long., is 78,291 lb (35.5 metric tons (mt)).

(a) The fishing seasons are:

(i) For the area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line at approximately 123°49.60′ W long., fishing is open April 22–24, April 29–May 1; May 6–8, 13–15, 20–22, 28–30; June 3–5, 10–12, 17–19, and 24–26, or until there is not sufficient quota for another full day of fishing and the area is closed by the IPHC. Any closure will be announced on the NMFS hotline at (206) 526–6667 or 800–662–9825.

(ii) For the area in U.S. waters in the Strait of Juan de Fuca, approximately between 124°23.70′ W long. and 123°49.60′ W long., fishing is open May 6, 8, 13, 15, 20, 22, 28–30; June 3–5, 10–12, 17–19, 24–26, or until there is not sufficient quota for another full day of fishing and the area is closed by the IPHC. Any closure will be announced on the NMFS hotline at (206) 526–6667 or 800–662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

Washington North Coast Subarea

The quota for landings into ports in the area off the north Washington coast, west of a line at approximately 124°23.70′ W long. and north of the Queets River (47°31.70′ N lat.), is 128,928 lb (58.5 mt).

(a) The fishing seasons are:

(i) Fishing is open May 6, 8, 13, 15, 20, 22, 28, 30; June 3, 5, 10, 12, 17, 19, 24, and 26, or until there is not sufficient quota for another full day of fishing and the area is closed by the IPHC. Any closure will be announced on the NMFS hotline at (206) 526–6667 or 800–662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

(c) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing with recreational gear in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at 50 CFR 660.70(b).

Washington South Coast Subarea

The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N lat.), and Leadbetter Point, WA (46°38.17′ N lat.), is 63,636 lb (28.9 mt).

(a) This subarea is divided between the all-depth fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N lat. south to 46°58.00′ N lat. and east of a boundary line approximating the 30-fm (55-m) depth contour. This area (the Washington South coast, northern nearshore area) is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates:

(1) 47°31.70′ N lat., 124°37.03′ W long.;

(2) 47°25.67′ N lat., 124°34.79′ W long.;

(3) 47°12.82′ N lat., 124°29.12′ W long.;

(4) 46°58.00′ N lat., 124°24.24′ W long.

The primary fishery season dates are May 6, 9, 13, 16, 20, 23, 27; June 17, 20, 24, 27, or until there is not sufficient quota for another full day of fishing and the area is closed by the IPHC. Any closure will be announced on the NMFS hotline at (206) 526–6667 or 800–662–9825. If sufficient quota remains, the fishing season in the nearshore area commences the Saturday subsequent to the closure of the primary fishery and continues seven days per week until 63,636 lb (28.9 mt) is projected to be taken by the two fisheries combined and the fishery is closed by the IPHC or on September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the Washington South coast, northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS.

(b) The daily bag limit is one halibut of any size per day per person.

(c) Seaward of the boundary line approximating the 30-fm (55-m) depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360(c).

(d) Recreational fishing for groundfish and halibut is allowed within the South Coast Recreational YRCA and Westport Offshore Recreational YRCA. The South Coast Recreational YRCA is defined at 50 CFR 660.70(e). The Westport Offshore Recreational YRCA is defined at 50 CFR 660.70(f).

Columbia River Subarea

The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N lat.), and Cape Falcon, OR (45°46.00′ N lat.), is 18,662 lb (8.5 mt).

(a) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 lb (0.23 mt) of the subarea allocation. The nearshore fishery extends from Leadbetter Point (46°38.17′ N lat., 124°15.88′ W long.) to the Columbia River (46°16.00′ N lat., 124°15.88′ W long.) by connecting the following coordinates in Washington: 46°38.17′ N lat., 124°15.88′ W long., 46°16.00′ N lat., 124°15.88′ W long., and connecting to the boundary line approximating the 40-fm (73-m) depth contour in Oregon. The nearshore fishery opens May 10, and continues on Monday, Tuesday, and Wednesday each week until the nearshore allocation is taken, or on September 30, whichever is earlier. The all-depth fishing season is open May 6, 9, 13, 16, 20, 23, 27; June 3, 6, 10, 13, 17, 20, 24, 27, or until there is not sufficient quota for another full day of fishing and the area is closed by the IPHC, or on September 30, whichever is earlier. Any closure will be announced on the NMFS hotline at (206) 526–6667 or 800–662–9825. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS. Any remaining quota would be transferred to each state in proportion to its contribution.

(b) The daily bag limit is one halibut of any size per day per person.

(c) Pacific Coast groundfish may not be taken and retained, possessed or landed when halibut are on board the vessel, except sablefish, Pacific cod, flatfish species, yellowtail rockfish, widow rockfish, canary rockfish, redstriped rockfish, greenstriped rockfish, silvergray rockfish, chilipepper, bocaccio, blue/deacon rockfish, and lingcod caught north of the Washington-Oregon border (46°16.00′ N lat.) may be retained when allowed by Pacific Coast groundfish regulations, during days open to the all-depth Pacific halibut fishery. Long-leader gear (as defined at 50 CFR 660.351) may be used to retain groundfish during the all-depth Pacific halibut fishery south of the Washington-Oregon border, when allowed by Pacific Coast groundfish regulations.

(d) Taking, retaining, possessing, or landing halibut on groundfish trips is allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries.

Oregon Central Coast Subarea

The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N lat.) and Humbug Mountain (42°40.50′ N lat.), is 273,403 lb (124 mt).

(a) The fishing seasons are:

(i) The first season (the ''inside 40-fm'' fishery) commences May 1, and continues 7 days a week, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon ''inside 40-fm'' fishery of 32,808 lb (14.9 mt), or any inseason revised subquota is estimated to have been taken and the season is closed by the IPHC, or on October 31, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N lat. and 42°40.50′ N lat. is defined at 50 CFR 660.71(o).

(ii) The second season (spring season), which is for the ''all-depth'' fishery, is open May 13–15, 20–22, 27–29; June 3–5, and 10–12. The allocation to the all-depth fishery is 172,244 lb (78.1 mt). If sufficient unharvested quota remains for additional fishing days, the season will re-open June 17–19; July 1–3 and 8–10. Notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825.

(iii) The third season (summer season), which is for the ''all-depth'' fishery, will be open August 6–7, 19–21; September 2–4; 16–18, September 30–October 2; October 14–16, 28–30; and will continue until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, are estimated to have been taken and the area is closed by the IPHC. NMFS will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 in July whether the fishery will re-open for the summer season in August. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period. If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Thursday, Friday and Saturday, beginning August 5, 6, and 7, and ending when there is insufficient quota remaining, whichever is earlier. If, after September 7, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Thursday, Friday and Saturday, the fishery may re-open every Thursday, Friday and Saturday, beginning September 9, 10, and 11, and ending October 31. After September 7, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open, and what the bag limit is.

(b) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 any bag limit changes.

(c) During days open to all-depth halibut fishing when the groundfish fishery is restricted by depth, when halibut are on board the vessel, no groundfish, except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab), may be taken and retained, possessed or landed, except with long-leader gear (as defined at § 660.351), when allowed by groundfish regulations. During days open to all-depth halibut fishing when the groundfish fishery is open to all depths, any groundfish species permitted under the groundfish regulations may be retained, possessed or landed if halibut are on board the vessel. During days open to nearshore halibut fishing, flatfish species may be taken and retained seaward of the seasonal groundfish depth restrictions if halibut are on board the vessel.

(d) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(e) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at 50 CFR 660.70(g).

Southern Oregon Subarea

The quota for landings into ports in the area south of Humbug Mountain, OR (42°40.50′ N lat.) to the Oregon/California Border (42°00.00′ N lat.) is 8,000 lb (3.6 mt).

(a) The fishing season commences on May 1, and continues 7 days per week until the subquota is taken, or October 31, whichever is earlier.

(b) The daily bag limit is one halibut per person with no size limit.

(c) During days open to the Pacific halibut fishery, when halibut are on board the vessel, no groundfish except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab), may be taken and retained, possessed or landed, except with long-leader gear (as defined at § 660.351) when allowed by groundfish regulations.

California Coast Subarea

The quota for landings into ports south of the Oregon/California Border (42°00.00′ N lat.) and along the California coast is 39,260 lb (17.8 mt).

(a) The fishing season will be open May 1 through November 15, or until the subarea quota is estimated to have been taken and the season is closed by the IPHC, whichever is earlier. NMFS will announce any closure by the IPHC on the NMFS hotline (206) 526–6667 or (800) 662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the International Pacific Halibut Commission (IPHC), the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Halibut Act

(16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters as long as those regulations do not conflict with IPHC regulations. The proposed action is consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Washington, Oregon, and California.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the following reasons:

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates. Previous analyses determined that charterboats are small businesses (see 77 FR 5477 (February 3, 2012) and 76 FR 2876 (January 18, 2011)). Charter fishing operations are classified under NAICS code, 487210, with a corresponding Small Business Association size standard of $7.5 million in annual receipts. No commercial fishing entities are directly affected by this rule.

This rule would revise the recreational Pacific halibut fishery management measures, such as season dates and catch limits that are set in NMFS regulations. This proposed rule would open the recreational fishery with 2021 season dates and subarea allocations impacting charter boats, anglers, and businesses relying on recreational fishing across all of Area 2A. This rule also proposes minor changes, including groundfish species retention, allowable fishing gear, and opening closed areas, to the recreational halibut fishery, impacting participants in the Washington, Oregon, and California recreational subareas. The proposed revisions were uncontroversial throughout the Council's public process.

In 2020, the IPHC issued 86 licenses to the charterboat fleet for Area 2A. Analysis of the most recent data available on charterboat activity indicates that 60 percent of the IPHC charterboat license holders (around 50 vessels) participate in the Pacific halibut recreational fishery and may be affected by these regulations as those vessels operate in Area 2A. Private vessels used for recreational fishing are not businesses and are therefore not subject to the RFA.

The major impact of halibut management on small entities will result from the IPHC catch limits, which are determined independently from this proposed action. This proposed action would implement management measures including season dates and allocations for the recreational fishery, and would make minor changes to the Catch Sharing Plan to provide increased recreational opportunities under the allocations that result from the Area 2A catch limit. The proposed changes to the Catch Sharing Plan in this proposed action are minor, with minimal economic effects. Profitability is more heavily influenced by the catch limit decision made by the IPHC, with subarea quotas determined based on the Catch Sharing Plan framework and the allocation formulae recommended by the Council. Therefore, the proposed rule is unlikely to affect overall participation in the recreational fisheries or to change the profitability of the recreational fishery. Additionally, there are no large entities involved in the halibut fisheries off of the West Coast. Because this action will only impact recreational charter vessels, which are small entities, these revisions will not have a disproportionately negative effect on small entities versus large entities.

For the reasons described above, NMFS concludes that the proposed action, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Dated: February 8, 2021.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–02831 Filed 2–11–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 86, No. 28

Friday, February 12, 2021

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 9, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 15, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR part 3565, ''Guaranteed Rural Rental Housing Program'' and Its' Supporting Handbook.

OMB Control Number: 0575–0174.

Summary of Collection: On March 28, 1996, the Housing Opportunity Program Extension Act of 1996 was signed. One of the provisions of the Act was the authorization of the section 538 Guaranteed Rural Rental Housing Program (GRRHP), adding the program to the Housing Act of 1949. The purpose of the GRRHP is to increase the supply of affordable rural rental housing through the use of loan guarantees that encourage partnerships between the Rural Housing Service (RHS), private lenders and public agencies. RUS will approve qualified lenders to participate and monitor lender performance to ensure program requirements are met. RHS will collect information from lenders on the eligibility cost, benefits, feasibility, and financial performance of the proposed project.

Need and Use of the Information: RHS will collect information from lenders to manage, plan, evaluate, and account for Government resources and from time to time, propose demonstration programs that use loan guarantees or interest credit. The GRRHP regulation and handbook will provide lenders and agency staff with guidance on the origination, and servicing of GRRHP loans and the approval of qualified lenders. RHS will use the information to evaluate a lender's request and make determination that the interests of the government are protected. Failure to collect information could have an adverse impact on the agency ability to monitor lenders and assess program effectiveness and effectively guarantee loans.

Description of Respondents: Business or other for-profit; Not-for-profit Institutions.

Number of Respondents: 160.

Frequency of Responses: Reporting: Quarterly; Monthly; Annually.

Total Burden Hours: 2,079.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–02914 Filed 2–11–21; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0119]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Communicable Diseases in Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for approving laboratories to test for equine infectious anemia and for the interstate movement of horses that have tested positive for equine infectious anemia.

DATES: We will consider all comments that we receive on or before April 13, 2021.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0119.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0119, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0119* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for approved laboratories to test for equine infectious anemia or for the interstate movement of horses that have tested positive for equine infectious anemia,

contact Dr. Rory Carolan, Aquaculture, Swine, Equine, and Poultry, Strategy and Policy, VS, APHIS, 4700 River Road, Unit 46, Riverdale, MD 20737; (301) 851–3558. For more information on the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Communicable Diseases in Horses.

OMB Control Number: 0579–0127.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the authority of the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of U.S. livestock and poultry.

Equine infectious anemia (EIA) is an infectious and potentially fatal viral disease of equines. There is no vaccine or treatment for the disease. Regulations in 9 CFR part 71 provide for the approval of laboratories, diagnostic facilities, and research facilities, including those that test for EIA. The regulations in 9 CFR part 75 govern the interstate movement of equines that have tested positive to an official test for EIA (EIA reactors). Identifying EIA-positive animals through laboratory testing and ensuring the safe movement of those equines testing positive for EIA requires several information collection activities.

APHIS regulations require laboratories conducting an official EIA test to be approved by the APHIS Administrator, in consultation with the appropriate State animal health officials. Information collection activities associated with that approval process include a laboratory application and a director's agreement, collecting the name of the director, location, laboratory facilities, available resources, and the training and proficiency of employees. Additional information collection activities include written notification of withdrawal of approval and a request for hearing. This information helps APHIS determine a laboratory's capacity to conduct accurate and reliable testing and to meet the requirements in the regulations. To receive and maintain approval, a laboratory must report positive test results, provide monthly reports, and undergo regular inspections.

Additional information collection occurs on the EIA laboratory test form, on a permit for the interstate movement of an EIA reactor, and on a supplemental disease investigation form for animals testing positive for EIA.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

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

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

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

Estimate of burden: The public burden for this collection of information is estimated to average 0.08 hours per response.

Respondents: Producers, veterinarians, State veterinarians, and approved EIA laboratory directors.

Estimated annual number of respondents: 235,018.

Estimated annual number of responses per respondent: 5.

Estimated annual number of responses: 1,157,148.

Estimated total annual burden on respondents: 93,030 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this this 8th day of February 2021.

Jack Shere,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–02903 Filed 2–11–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0121]

Notice of Request for Reinstatement of an Information Collection; Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request the reinstatement of an information collection associated with the interstate movement of regulated nursery stock from quarantined areas to prevent the spread of citrus canker, citrus greening, and Asian citrus psyllid.

DATES: We will consider all comments that we receive on or before April 13, 2021.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0121.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0121, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0121* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the interstate movement of regulated nursery stock from citrus canker, citrus greening, and Asian citrus psyllid quarantined areas, contact Ms. Glorimar Marrero, Assistant National Policy Manager for Citrus Programs, Plant Health Protection, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 26, Riverdale, MD 20737; (240) 577–4633. For more information on the

information collection process, contact Mr. Joseph Moxey, APHIS Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock.

OMB Control Number: 0579–0369.

Type of Request: Reinstatement of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of U.S. Department of Agriculture (USDA), either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests, such as citrus canker, citrus greening, and Asian citrus psyllid, that are new to or not widely distributed within the United States. The USDA's Animal and Plant Health Inspection Service (APHIS) is the delegated authority to carry out this mission.

Citrus canker is a plant disease that affects plants and plant parts, including fresh fruit of citrus and citrus relatives (family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants and cause infected fruit to drop from trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

Citrus greening, also known as Huanglongbing disease of citrus or HLB, is one of the most serious citrus diseases in the world. Citrus greening is a bacterial disease that attacks the vascular system of host plants. This bacterial pathogen can be transmitted by grafting and under laboratory conditions, by parasitic plants. The pathogen can also be transmitted by two insect vectors in the family Psyllidae; *Diaphorina citri* Kuwayama, the Asian citrus psyllid (ACP), and *Trioza erytreae* (del Guercio), the African citrus psyllid. ACP can also cause economic damage to citrus in groves and nurseries by direct feeding. Both adults and nymphs feed on young foliage, depleting the sap and causing galling or curling of leaves. High populations feeding on a citrus shoot can kill the growing tip.

APHIS regulations to prevent the interstate spread of citrus canker are contained in ''Subpart M—Citrus Canker'' (7 CFR 301.75–1 through 301.75–17), and the regulations to prevent the interstate spread of citrus greening and Asian citrus psyllid are contained in ''Subpart N—Citrus Greening and Asian Citrus Psyllid'' (7 CFR 301.76 through 301.76–11). These regulations restrict the interstate movement of regulated articles from and through areas quarantined for the pest and diseases and provide, among other things, conditions under which regulated nursery stock may be moved interstate. The interstate movement of regulated nursery stock from these quarantined areas involves information collection activities, including labelling, records of inspections and treatments, compliance agreements, Federal certificates, limited permits, and appeals.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

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

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

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

Estimate of burden: The public burden for this collection of information is estimated to average 0.306 hours per response.

Respondents: Nursery stock owners.

Estimated annual number of respondents: 1,901.

Estimated annual number of responses per respondent: 4,147.

Estimated annual number of responses: 7,882,947.

Estimated total annual burden on respondents: 2,412,725 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 8th day of February 2021.

Mark Davidson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–02904 Filed 2–11–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0124]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Gypsy Moth Identification Worksheet and Checklist

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the gypsy moth program.

DATES: We will consider all comments that we receive on or before April 13, 2021.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0124.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0124, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0124* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the gypsy moth program, contact Ms. Kathryn Bronsky, Policy Manager, National Plant Health Programs, PHP, PPQ, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737;

(301) 851–2147. For more information on the information collection process, contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Gypsy Moth Identification Worksheet and Checklist.

OMB Control Number: 0579–0104.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the U.S. Department of Agriculture (USDA), either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not widely distributed throughout the United States. The USDA's Animal and Plant Health Inspection Service (APHIS) is the delegated authority to carry out this mission.

As part of the mission, APHIS' Plant Protection and Quarantine (PPQ) program engages in detection surveys to monitor for the presence of, among other things, the European gypsy moth and the Asian gypsy moth. The European gypsy moth is one of the most destructive pests of fruit and ornamental trees as well as hardwood forests. First introduced into the United States in Medford, MA, in 1869, the European gypsy moth has gradually spread to infest the entire northeastern portion of the country. The gypsy moth regulations can be found in 7 CFR 301.45 through 301.45–12.

Heavily infested European gypsy moth areas are inundated with actively crawling larvae that cover trees, fences, vehicles, and houses during their search for food. Entire areas may be stripped of all foliage, often resulting in heavy damage to trees. The damage can have long-lasting effects, depriving wildlife of food and shelter, and severely limiting the recreational value of forested areas.

The Asian gypsy moth is an exotic strain of gypsy moth that is closely related to the European variety already established in the United States. While the Asian gypsy moth has been introduced into the United States on several occasions, it is currently not established in the United States. However, due to behavioral differences, the Asian gypsy moth is considered to pose an even greater threat to trees and forested areas than the European gypsy moth.

Unlike the flightless European gypsy moth female adult, the Asian gypsy moth female adult is capable of strong directed flight between mating and egg deposition, significantly increasing its ability to spread over a much greater area and become widely established within a short time. In addition, Asian gypsy moth larvae feed on a much wider variety of hosts, allowing them to exploit more areas and cause more damage than the European gypsy moth.

To determine the presence and extent of a European gypsy moth or an Asian gypsy moth infestation, APHIS sets traps in high-risk areas to collect specimens. Once an infestation is identified, control and eradication work (usually involving State cooperation) is initiated to eliminate the moths.

APHIS personnel, with assistance from State/local agriculture personnel, check traps for the presence of gypsy moths. If a suspicious moth is found in the trap, it is sent to APHIS laboratories so that it can be correctly identified through DNA analysis. DNA analysis is the only way to accurately identify these insects because the European gypsy moth and the Asian gypsy moth are strains of the same species, and they cannot be visually distinguished from each other.

The PPQ official or State/local collaborator submitting the moth for analysis must complete a specimen for determination worksheet, which accompanies the insect to the laboratory. The worksheet enables Federal and State/local regulatory officials to identify and track specific specimens through the DNA identification tests that are conducted. In addition, the information provided by the gypsy moth identification worksheets is vital to APHIS' ability to monitor, detect, and eradicate gypsy moth infestations.

The gypsy moth regulations (§ 301.45–4(a)) also require the inspection of outdoor household articles that are to be moved from a gypsy moth quarantined area to a non-quarantined area to ensure that they are free of all life stages of gypsy moth. Individuals may use a self-inspection checklist, which is completed and signed by the person who performed the inspection, and kept in the vehicle used to move the outdoor household articles in the event that USDA or State/Local officials request it during the movement of the articles. In addition, it is recommended that individuals maintain a copy of the signed checklist for at least 5 years.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

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

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

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

Estimate of burden: The public burden for this collection of information is estimated to average 0.362 hours per response.

Respondents: Individuals who complete the self-inspection checklist and State and local cooperators.

Estimated annual number of respondents: 2,500,100.

Estimated annual number of responses per respondent: 3.

Estimated annual number of responses: 7,500,250.

Estimated total annual burden on respondents: 2,711,543 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 8th day of February 2021.

Mark Davidson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–02905 Filed 2–11–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID: FSA–20210–0001]

Information Collection Request; Emergency Conservation Program (ECP) and Biomass Crop Assistance Program (BCAP)

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, as

amended, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension with a revision of currently approved information collection associated with the Emergency Conservation Program (ECP) and Biomass Crop Assistance Program (BCAP). This information is collected in support of, respectively, sections 401–407 of the Agricultural Credit Act of 1978, as amended, and section 9011 of the Farm Security and Rural Investment Act of 2002, as amended.

DATES: We will consider comments that we receive by April 13, 2021.

ADDRESSES: We invite you to submit comments on this Notice. You may submit comments, identified by Docket ID: FSA–2021–0001, by any of the following methods:

- *Federal eRulemaking Portal:* Go to: *www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail, Hand Delivery, or Courier:* Shanita Landon, ECP Program Manager, Conservation and Environmental Programs Division, Farm Service Agency, United States Department of Agriculture, STOP 0513, 1400 Independence Avenue SW, Washington, DC 20250–0513.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Martin Bomar.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, Shanita London, (202) 690–1612 (voice); email: *shanita.landon@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Description of Information Collection

Title: Emergency Conservation Program and Biomass Crop Assistance Program.

OMB Control Number: 0560–0082.

Expiration Date: April 30, 2021.

Type of Request: Revision.

Abstract: The collection of this information is necessary to allow FSA to:

(1) Effectively administer the regulations under ECP, which are set forth at 7 CFR part 701, so as to provide funding and technical assistance for farmers and ranchers to restore farmland damaged by natural disasters, and for emergency water conservation measures in severe droughts; and

(2) Effectively administer the regulations for BCAP, which are set forth at 7 CFR part 1450, so as to provide financial assistance to owners and operators of agricultural and non-industrial private forest land who wish to establish, produce, and deliver biomass feedstocks.

This information is collected in support of, respectively, sections 401–407 of the Agricultural Credit Act of 1978 (Pub. L. 95–334), as amended, and section 9011 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171), as amended.

Activity related to ECP request, approvals, and payments has increased due to major storm systems that caused catastrophic damage across the nation, from 2018–2020. Hurricane Michael and Florence occurred in 2018, followed by the Midwest flooding's in 2019. Multiple hurricanes and wildfires in 2020 all contribute to the increase in activity. Activity related to BCAP has drastically reduced because of the lack of funding for BCAP. The travel times also have been removed from the request.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual of responses.

Estimate of Average Time to Respond: Public reporting burden for collecting information under this notice is estimated to average 0.116 hours per responses, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information for all respondents.

Type of Respondents: Owners, operators and other eligible agricultural producers on eligible farmland.

Estimated Number of Respondents: 140,000.

Estimated Number of Responses per Respondent: 3.04.

Estimated Total Annual Reponses: 425,445.

Estimated Average Time per Response: 0.116 hours.

Estimated Total Annual Burden on Respondents: 49,385 hours.

We are requesting comments on all aspects of this information collection to help us to:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Evaluate the quality, ability and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information.

All responses to this notice, including names and addresses when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Steven Peterson,

Acting Administrator, Farm Service Agency.

[FR Doc. 2021–02860 Filed 2–11–21; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–7–2021]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Notification of Proposed Production Activity; Wacker Polysilicon North America, LLC (Hydrophilic Fumed Silica); Charleston, Tennessee

Wacker Polysilicon North America, LLC (Wacker) submitted a notification of proposed production activity to the FTZ Board for its facility in Charleston, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 5, 2021.

Wacker already has authority to produce polysilicon within Subzone 134B using foreign-status silicon metal that is not subject to an antidumping or countervailing duty order. The current request would add a finished product to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Wacker from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components in the existing scope of authority, Wacker would be able to choose the duty rates during customs entry procedures that apply to hydrophilic

fumed silica (duty-free). Wacker would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 24, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov.*

Dated: February 8, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02882 Filed 2–11–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Carbon and Certain Alloy Steel Wire Rod From Mexico: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Partial Rescission of Antidumping Duty Administrative Review; 2018–2019

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of carbon and certain alloy steel wire rod (wire rod) from Mexico were made at less than normal value during the period of review (POR), October 1, 2018, through September 30, 2019. Further, Commerce is rescinding the administrative review, in part, with respect to ArcelorMittal Las Truchas, S.A. de C.V. (AMLT). We invite interested parties to comment on these preliminary results.

DATES: Applicable February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Smith, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2181.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2002, Commerce published the antidumping duty order on wire rod from Mexico in the **Federal Register**.[1] On October 1, 2019, we published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order.*[2] On December 11, 2019, pursuant to section 751(a)(1) of the Act, Commerce initiated an administrative review of the *Order.*[3] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[4] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[5] On October 1, 2020, Commerce extended the deadline for the preliminary results to February 17, 2021.[6] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7]

Scope of the Order

The merchandise subject to the *Order* is wire rod, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under the subheadings: 7213.91.3000, 7213.91.3010, 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3090, 7213.91.3091, 7213.91.3092, 7213.91.3093, 7213.91.4500, 7213.91.4510, 7213.91.4590, 7213.91.6000, 7213.91.6010, 7213.91.6090, 7213.99.0030, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0000, 7227.20.0010, 7227.20.0020, 7227.20.0030, 7227.20.0080, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6020, 7227.90.6030, 7227.90.6035, 7227.90.6050, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, 7227.90.6080, and 7227.90.6085. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description remains dispositive.

A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

The *Initiation Notice* listed AMLT as one of the producers/exporters under review.[8] However, Commerce previously determined in a changed circumstances review that nearly all of AMLT's assets were sold to ArcelorMittal Mexico and AMLT is no longer in operation.[9] Therefore, because AMLT is no longer in existence and did not have entries during the relevant period, Commerce is partially rescinding this administrative review with respect to AMLT, in accordance with 19 CFR 351.213(d)(3).

The review will continue with respect to all other entities listed in the *Initiation Notice.*

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Constructed export price was calculated in accordance with section 772 of the Act. Normal value was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary

[1] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation,* 84 FR 52068 (October 1, 2019).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 67712, 67715 (December 11, 2019) (*Initiation Notice*).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] *See* Memorandum, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated October 1, 2020.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results, Preliminary Determination of No Shipments, and Partial Recission of the 2018–2019 Administrative Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *See Initiation Notice,* 84 FR at 67715.

[9] *See Final Results of Changed Circumstances Review: Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod from Mexico,* 82 FR 53456 (November 16, 2017).

Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Determination of No Shipments

On January 8, 2020, Grupo Villacero S.A. de C.V. (Villacero) reported that it had no exports or sales of subject merchandise into the United States during the POR.[10] On February 13, 2020, Commerce submitted a non-shipment inquiry with U.S. Customs and Border Protection (CBP) with regard to the Villacero Non-Shipment Claim, to which CBP responded that it found no shipments of subject merchandise by Villacero during the POR.[11]

Given that Villacero reported that it made no shipments of subject merchandise to the United States during the POR, and there is no information calling its claim into question, we preliminarily determine that Villacero made no shipments of subject merchandise during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Villacero but, rather, will complete the review and issue instructions to CBP based on the final results.[12]

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins exist for the POR:

Manufacturers/producers/exporters	Weighted-average dumping margins (percent)
Deacero S.A.P.I de C.V	2.49
Talleres y Aceros S.A. de C.V	2.49
Ternium Mexico S.A. de C.V	2.49

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for Deacero S.A.P.I de C.V. (*i.e.,* the sole individually examined respondent in this review) is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[13] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

For the companies which were not selected for individual review (*i.e.,* Talleres y Aceros S.A. de C.V., and Ternium Mexico S.A. de C.V.), we will assign an assessment rate based on the weighted-average dumping margin calculated for the sole individually examined respondent in this review, Deacero. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[14]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent which did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate of 20.11 percent[15] if there is no rate for the intermediate company(ies) involved in the transaction. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

For the company for which this review is rescinded, AMLT, antidumping duties shall be assessed at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of this rescission notice in the **Federal Register.**

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of wire rod from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the firms listed above will be equal to the dumping margins established in the final results of this review, except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 20.11 percent, the all-others rate established in the antidumping duty investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed in these preliminary results to parties in this proceeding within five days of the date of publication of this notice.[17]

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the

[10] *See* Villacero's Letter, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Notice of No Sales,'' dated January 8, 2020 (Villacero Non-Shipment Claim).

[11] *See* Memorandum, ''Carbon Alloy Steel Wire Rod from Mexico (A–201–830),'' dated February 19, 2020.

[12] *See, e.g., Certain Lined Paper Products from India: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017,* 83 FR 50886 (October 10, 2018), unchanged in *Certain Lined Paper Products from India: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 84 FR 23017 (May 21, 2019).

[13] In the preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

[14] *See* section 751(a)(2)(C) of the Act.

[15] *See Order,* 67 FR at 65947.

[16] *See Order,* 67 FR at 65947.

[17] *See* 19 CFR 351.224(b).

case briefs, may be filed no later than seven days after the date for filing case briefs.[18] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[20]

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, 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 (3) a list of 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.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

Dated: February 5, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Partial Rescission of Administrative Review
V. Preliminary Determination of No Shipments
VI. Margin for Companies Not Selected for Individual Examination
VII. Discussion of the Methodology
VIII. Currency Conversion
IX. Recommendation

[FR Doc. 2021–02922 Filed 2–11–21; 8:45 am]

BILLING CODE 3510–DS–P

[18] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

[20] *See Temporary Rule.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–858]

Oil Country Tubular Goods From India: Rescission of Countervailing Duty Administrative Review; 2019

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on oil country tubular goods (OCTG) from India, based on the timely withdrawal of the requests for review. The period of review (POR) is January 1, 2019, through December 31, 2019.

DATES: Applicable February 12, 2021.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2020, Commerce published a notice of opportunity to request an administrative review of the CVD order on OCTG from India for the period January 1, 2019, through December 31, 2019.[1] On September 30, 2020, the domestic interested parties[2] filed a request for administrative review of the 45 Indian exporters/producers of, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b).[3] On October 30, 2020, pursuant to this request, and in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice initiating an administrative review of the CVD order on OCTG from India with respect to all 45 companies for which a review was requested.[4] Between November 27, 2020, through December 9, 2020, six companies submitted no-shipment letters.[5] On January 11, 2021, Commerce released entry data from U.S. Customs and Border Protection (CBP) for respondent selection and provided parties an opportunity to comment on this CBP data.[6] On January 14, 2021, the domestic interested parties filed a letter withdrawing their request for an administrative review of all 45 companies upon which this administrative review was initiated.[7]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation, Opportunity to Request Administrative Review,* 85 FR 54349 (September 1, 2020).

[2] The domestic interested parties are: United States Steel Corporation, Maverick Tube Corporation, Tenaris Bay City, Inc., and IPSCO Tubulars Inc.

[3] *See* Domestic Interested Parties' Letter, ''Oil Country Tubular Goods from India: Request for Administrative Review of Countervailing Duty Order,'' dated September 20, 2020.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 68840 (October 30, 2020).

[5] *See* Garg Tube Export LLP's Letter, ''Oil Country Tubular Goods from India: Statement of no sales, entries, or shipment of subject merchandise during the Period of Review,'' dated November 27, 2020; Rakshita Overseas' Letter, ''Oil Country Tubular Good from India: Statement of no sales, entries, or shipment of subject merchandise during the Period of Review,'' dated November 27, 2020; Jindal Saw Ltd.'s Letter, ''Oil Country Tubular Goods from India: Statement of no sales, entries or shipment of subject merchandise during the Period of Review,'' dated November 27, 2020; GVN Fuels Limited, Maharashtra Seamless Limited, and Jindal Pipe Limited's Letter, ''Oil Country Tubular Goods from India: Statement of no sales, entries or shipment of subject merchandise during the Period of Review,'' dated November 27, 2020; Goodluck India Limited's Letter, ''Oil Country Tubular Goods from India: Statement of no sales, entries or shipment of subject merchandise during the Period of Review,'' dated November 28, 2020; and Pennar Industries Limited's Letter, ''Oil Country Tubular Goods from India: Statement of no sales, entries or shipment of subject merchandise during the Period of Review,'' dated November 27, 2020 (filed on December 9, 2020).

[6] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Oil Country Tubular Goods from India: Release of U.S. Customs Entry Data for Respondent Selection,'' dated January 11, 2021.

[7] *See* Domestic Interested Parties' Letter, ''Oil Country Tubular Goods from India: Withdrawal of Request for Administrative Review of Countervailing Duty Order,'' dated January 14, 2021.

part, if a party or parties that requested a review withdraws the request within 90 days of the publication of the notice of the initiation of the requested review. The domestic interested parties timely withdrew their request for all 45 companies identified in their review request. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

Commerce will instruct CBP to assess countervailing duties on all appropriate entries of OCTG from India. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Order

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

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: February 8, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02883 Filed 2–11–21; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

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

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
MR 13087—Set, Cookie Sheet, 3 Piece
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
List Designation: C-List
Mandatory For: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5340–00–286–6895—Strap, Webbing, 48″ x ¾″
Designated Source of Supply: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

NSN(s)—Product Name(s):
MR 1118—Holder, Sponge
MR 13034—Dispenser, Creamer, Plastic
MR 13039—Microwave Popcorn Popper
MR 13065—Microwave Steamer
Designated Source of Supply: Cincinnati Association for the Blind, Cincinnati, OH
Contracting Activity: Military Resale-Defense Commissary Agency

NSN(s)—Product Name(s):
MR 11312—Mug, Travel, Stainless Steel, West Loop 2.0, 20 oz.
MR 11314—Mug, Travel, Stainless Steel, West Loop 2.0, 16 oz.
Designated Source of Supply: Association for Vision Rehabilitation and Employment, Inc., Binghamton, NY
Contracting Activity: Military Resale-Defense Commissary Agency

NSN(s)—Product Name(s):
MR 10777—Platters, Christmas, Red, Includes Shipper 20777
MR 10778—Platters, Christmas, Blue, Includes Shipper 20777
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: GSA Depot—Warehouse 6: 2695 N Sherwood Forest Drive, Baton Rouge, LA
Designated Source of Supply: Louisiana Industries for the Disabled, Inc., Baton Rouge, LA
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R7

Service Type: Shredding & Destruction of Document & Recycling
Mandatory for: US Army Corps of Engineers Middle East District, Winchester VA
Mandatory for: US Army Corps of Engineers Records Holding Area (RHA), Winchester VA
Mandatory for: US Army Corps of Engineers Transatlantic Division, Winchester VA
Contracting Activity: DEPT OF THE ARMY, W31R ENDIS MIDDLE EAST

Service Type: Coating of Polypropylene Plastic Bleeding Tubes
Mandatory for: USDA, APHIS-National Veterinary Stockpile, Kansas City, MO
Designated Source of Supply: JobOne, Independence, MO
Contracting Activity: ANIMAL AND PLANT HEALTH INSPECTION SERVICE, USDA APHIS MRPBS

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–02937 Filed 2–11–21; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* March 14, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 1/8/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7210–01–030–5311—Pillowcase, 32½″ x 20½″
7210–00–119–7357—Pillowcase, 32½″ x 20 ½″, White
Designated Source of Supply: Cambria County Association for the Blind and Handicapped, Johnstown, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8465–01–647–6670—US Forest Service Pack, Personal Gear Model 2014
Designated Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
6150–01–040–6848—Kit, Wiring, ATON Buoy
Designated Source of Supply: Greenville Rehabilitation Center, Greenville, SC
Contracting Activity: SFLC PROCUREMENT BRANCH 3, BALTIMORE, MD

NSN(s)—Product Name(s):
7910–00–NIB–0006—Pad, Floor, Burnishing, Animal Hair, Gray, 17″
7910–00–NIB–0009—Pad, Floor, Burnishing, Animal Hair, Gray, 21″
7910–00–NIB–0016—Pad, Floor, Polishing, Animal Hair, Beige, 17″
7910–00–NIB–0029—Pad, Floor, Buffing, Polyester, Red, 14″
7910–00–NIB–0030—Pad, Floor, Buffing, Polyester, Red, 15″
7910–00–NIB–0034—Pad, Floor, Scrubbing, Polyester, Blue, 14″
7910–00–NIB–0040—Pad, Floor, Scrubbing, Polyester, Blue, 21″
7910–01–512–5933—Pad, Floor, Stripping, Polyester, Brown, 17″
7910–01–512–5937—Pad, Floor, Scrubbing, Polyester, Blue, 13″
7910–01–512–5950—Pad, Floor, Scrubbing, Polyester, Blue, 17″
Designated Source of Supply: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSN(s)—Product Name(s):
7910–00–820–7989—Pad, Floor, Buffing, Nylon, Tan, 15″
Designated Source of Supply: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSN(s)—Product Name(s):
7910–00–685–3908—Pad, Machine, Polishing, Floor, 14″ x ¼″
7910–00–685–3909—Pad, Machine, Polishing, Floor, 16″ x ¼″
7910–00–685–3914—Pad, Machine, Scrubbing, Floor, 18″ x ¼″
7910–00–685–3915—Pad, Machine, Scrubbing, Floor, 16″ x ¼″
7910–00–685–4239—Pad, Machine, Stripping, Floor, 12″ x ¼″
7910–00–685–6656—Pad, Machine, Scrubbing, Floor, 12″ x ¼″
7910–00–685–6657—Pad, Machine, Scrubbing, Floor, 13″ x ¼″
7910–00–685–6659—Pad, Machine, Scrubbing, Floor, 15″ x ¼″
7910–00–685–6660—Pad, Machine, Scrubbing, Floor, 17″ x ¼″
7910–00–685–6671—Pad, Machine, Polishing, Floor, 15″ x ¼″
7910–00–685–6672—Pad, Machine, Polishing, Floor, 17″ x ¼″
7910–00–685–6686—Pad, Machine, Polishing, Floor, 12″ x ¼″
7910–00–685–6687—Pad, Machine, Polishing, Floor, 13″ x ¼″
Designated Source of Supply: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

Michael R. Jurkowski,
Deputy Director, Business & PL Operations.

[FR Doc. 2021–02936 Filed 2–11–21; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an online virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Wednesday, March 17, 2021; 9:00 a.m.–4:30 p.m.

Thursday, March 18, 2021; 9:00 a.m.–4:30 p.m.

ADDRESSES: Online Virtual Meeting. To receive the meeting access information and call-in number, please contact the Federal Coordinator, Gary Younger, at the telephone number or email listed below by five days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Gary Younger, Federal Coordinator, U.S. Department of Energy, Hanford Office of Communications, Richland Operations Office, P.O. Box 550, Richland, WA 99354; Phone: (509) 372–0923; or Email: *gary.younger@rl.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Discussion Topics
  - Tri-Party Agreement Agencies' Updates
  - Hanford Advisory Board Committee Reports
  - Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you

require special accommodations due to a disability, please contact Gary Younger at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or within five business days after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gary Younger. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Gary Younger's office at the address or telephone number listed above. Minutes will also be available at the following website: *http://www.hanford.gov/page.cfm/hab/FullBoardMeetingInformation.*

Signed in Washington, DC, on February 8, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021–02889 Filed 2–11–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Defense Programs Advisory Committee Renewal

AGENCY: Office of Defense Programs, National Nuclear Security Administration, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Defense Programs Advisory Committee (DPAC) will be renewed for a two-year period, beginning on February 8, 2021. The DPAC will provide advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent. Additionally, the renewal of the Committee has been determined to be essential to the conduct of the Department's business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Kia Williams, Office of Defense Programs at (202) 586–0852; email: *kia.williams@nnsa.doe.gov.*

Signing Authority: This document of the Department of Energy was signed on February 8, 2021, by Miles Fernandez, Acting Committee Management Officer, pursuant to delegated authority from the Acting Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 9, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–02890 Filed 2–11–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC21–49–000.
Applicants: Atlantic Power Corporation, Tidal Power Holdings Limited, Tidal Power Aggregator, L.P.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Atlantic Power Corporation, et al.
Filed Date: 2/5/21.
Accession Number: 20210205–5044.
Comments Due: 5 p.m. ET 2/26/21.

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

Docket Numbers: ER17–2515–005.
Applicants: Chambers Cogeneration, Limited Partnership.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 to be effective N/A.
Filed Date: 2/5/21.
Accession Number: 20210205–5175.
Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER19–1756–003.
Applicants: NorthWestern Corporation.
Description: Compliance filing: Compliance Filing to Incorporate Settlement Tariff Records to be effective 7/1/2019.
Filed Date: 2/5/21.
Accession Number: 20210205–5041.
Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–520–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: PJM submits Compliance Filing re: FTR Liquidation in ER21–520–000 to be effective 2/1/2021.
Filed Date: 2/5/21.
Accession Number: 20210205–5129.
Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–832–001.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Supplement to Amendment Filing to be effective 1/5/2021.
Filed Date: 2/5/21.
Accession Number: 20210205–5172.
Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1046–000.
Applicants: Sugar Creek Wind One LLC.
Description: § 205(d) Rate Filing: Reactive Power Rate Schedule to be effective 4/5/2021.
Filed Date: 2/4/21.
Accession Number: 20210204–5136.
Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1047–000.
Applicants: Southwestern Public Service Company.
Description: § 205(d) Rate Filing: SPS–GSEC–RBEC–IA Faria 724 0.0.0 to be effective 4/6/2021.
Filed Date: 2/4/21.
Accession Number: 20210204–5139.
Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1048–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to OA, Sch. 12 and RAA, Sch. 17 re: 4th Quarter 2020 Member Lists to be effective 12/31/2020.
Filed Date: 2/4/21.
Accession Number: 20210204–5143.
Comments Due: 5 p.m. ET 2/25/21.

Docket Numbers: ER21–1049–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No.

5963; Queue No. AF1–150 to be effective 1/5/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5145.

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

Docket Numbers: ER21–1050–000.

Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.

Description: § 205(d) Rate Filing: 2021–02–05_SA 3013 ITC–DPC 1st Rev TIA to be effective 4/7/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5004.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1051–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 5495; Queue No. AE1–124 to be effective 9/30/2019.

Filed Date: 2/5/21.

Accession Number: 20210205–5024.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1052–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–02–05_SA 3480 ATC-Darien Solar Energy Center 1st GIA (J850) to be effective 1/26/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5036.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1053–000.

Applicants: Alabama Power Company.

Description: Tariff Cancellation: O'Neal Solar LGIA Termination Filing to be effective 2/5/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5055.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1054–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: Schedule 1A Operating Procedures—Update to be effective 1/1/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5059.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1055–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3774 The Energy Authority and MEAN Meter Agent Agreement to be effective 2/1/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5063.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1056–000.

Applicants: Pickaway County Solar Project, LLC.

Description: Baseline eTariff Filing: Common Facilities Agreement to be effective 2/6/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5100.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1057–000.

Applicants: Pickaway County II Solar Project, LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for Common Facilities Agreement to be effective 2/6/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5101.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1058–000.

Applicants: Buckeye Plains Solar Project, LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for Common Facilities Agreement to be effective 2/6/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5102.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1059–000.

Applicants: Buckeye Plains II Solar Project, LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for Common Facilities Agreement to be effective 2/6/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5104.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1060–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: DSA Quarantina Energy Storage, LLC—Quarantina Energy Storage & Cancel Ltr Agmt to be effective 4/7/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5118.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1061–000.

Applicants: New York Independent System Operator, Inc, Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: Joint executed LGIA among the NYISO, National Grid, and PPM Roaring SA 2593 to be effective 1/25/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5120.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1062–000.

Applicants: New York Independent System Operator, Inc., Power Authority of the State of New York.

Description: § 205(d) Rate Filing: Joint EPC Agreement among NYISO, NYPA, and PPM Roaring Brook, SA 2592 to be effective 1/25/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5128.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1063–000.

Applicants: Morris Cogeneration, LLC, Chambers Cogeneration, Limited Partnership.

Description: Compliance filing: Informational Filing Pursuant to Section 2 to be effective N/A.

Filed Date: 2/5/21.

Accession Number: 20210205–5130.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1064–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 5889; Queue Nos. AC2–186, AC2–187, AC2–188 to be effective 1/6/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5152.

Comments Due: 5 p.m. ET 2/26/21.

Docket Numbers: ER21–1065–000.

Applicants: TransCanyon Western Development, LLC.

Description: Baseline eTariff Filing: Formula Rate to be effective 4/7/2021.

Filed Date: 2/5/21.

Accession Number: 20210205–5161.

Comments Due: 5 p.m. ET 2/26/21.

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 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02854 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–26–000.

Applicants: Louisville Gas and Electric Company.

Description: Tariff filing per 284.123(b),(e)/: Revised Statement of

Operating Condition Exhibit A to be effective 2/1/2021 under PR21–26.

Filed Date: 2/4/2021.

Accession Number: 202102045035.

Comments/Protests Due: 5 p.m. ET 2/25/2021.

Docket Numbers: RP21–453–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2.3.21 Negotiated Rates—Mieco LLC H–7080–89 to be effective 2/3/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5027.

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

Docket Numbers: RP21–454–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2.3.21 Negotiated Rates—Sequent Energy Management, L.P. H–3075–89 to be effective 2/3/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5028.

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

Docket Numbers: RP21–455–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2.3.21 Negotiated Rates—Castleton Commodities Merchant Trading L.P. H–4010–89 to be effective 2/3/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5029.

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

Docket Numbers: RP21–456–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: Compliance filing Alert Day Penalty Report on 2–3–2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5054.

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

Docket Numbers: RP21–457–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2/3/21 Negotiated Rates—Hartree Partners, LP H–7090–89 to be effective 2/3/2021.

Filed Date: 2/3/21.

Accession Number: 20210203–5088.

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

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(s). 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 5, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02855 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL21–44–000; QF94–155–013]

LSP-Whitewater Limited Partnership; Notice of Waiver Request

Take notice that on January 29, 2021, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's (Commission) Rules of Practices and Procedures implementing the Public Utility Regulatory Policies Act of 1978, as amended, 18 CFR 292.205(c)(2017), LSP-Whitewater Limited Partnership requested a waiver of the operating and efficiency standards set forth in sections 292.205(a)(1) and 292.205(a)(2)(i)(B) of the Commission's regulations for its topping-cycle cogeneration facility located in Whitewater, Wisconsin for calendar year 2020, as more fully explained in its waiver request.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on February 19, 2021.

Dated: February 4, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02856 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–27–000.

Applicants: Jefferson Island Storage & Hub, L.L.C.

Description: Tariff filing per 284.123(b)(2) + (: Soc update 2021 Feb to be effective 2/5/2021 under PR21–27.

Filed Date: 2/5/2021.

Accession Number: 202102055121.

Comments/Protests Due: 5 p.m. ET 2/26/2021.

Docket Numbers: RP21–458–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 2.4.21 Negotiated Rates—Twin Eagle Resource Management, LLC H–7300–89 to be effective 2/5/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5060.

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

Docket Numbers: RP21–459–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Yankee Gas 510802 Release eff 2–5–2021 to be effective 2/5/2021.

Filed Date: 2/4/21.

Accession Number: 20210204–5076.

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

Docket Numbers: RP21–460–000.

Applicants: Cimarron River Pipeline, LLC.

Description: § 4(d) Rate Filing: Tekas Sale to be effective 2/6/2021.

Filed Date: 2/4/21.
Accession Number: 20210204–5089.
Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: RP21–461–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreements—Clearwater & Mercuria to be effective 2/4/2021.
Filed Date: 2/4/21.
Accession Number: 20210204–5148.
Comments Due: 5 p.m. ET 2/16/21.

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(s). 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 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02897 Filed 2–11–21; 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: ER15–1365–003.
Applicants: Morris Cogeneration, LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 to be effective N/A.
Filed Date: 2/8/21.
Accession Number: 20210208–5057.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER15–704–019.
Applicants: Pacific Gas and Electric Company.
Description: Compliance filing: CCSF WDT Compliance Filing (Feb 2021) to be effective 7/23/2015.
Filed Date: 2/8/21.
Accession Number: 20210208–5114.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER15–704–020.
Applicants: Pacific Gas and Electric Company.
Description: Compliance filing: CCSF Compliance filing WDT IA (SA 275) (Feb 2021) to be effective 7/1/2015.
Filed Date: 2/8/21.
Accession Number: 20210208–5122.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER19–2916–003
Applicants: Calpine Mid-Merit II, LLC.
Description: Compliance filing: Reactive Service Rate Schedule Compliance Filing to be effective 11/1/2019.
Filed Date: 2/8/21.
Accession Number: 20210208–5121.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER21–645–000.
Applicants: TransWest Express LLC.
Description: Amendment to January 15, 2021 TransWest Express LLC Application for Authorization to sell transmission service rights at negotiated rates.
Filed Date: 2/5/21.
Accession Number: 20210205–5181.
Comments Due: 5 p.m. ET 2/12/21.

Docket Numbers: ER21–1067–000.
Applicants: Appalachian Power Company.
Description: § 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.
Filed Date: 2/8/21.
Accession Number: 20210208–5087.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER21–1068–000.
Applicants: American Electric Power Service Corporation, Ohio Power Company, AEP Ohio Transmission Company, Inc., PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP submits Scioto Ridge Facilities Agreement with SA No. 1336 to be effective 4/10/2021.
Filed Date: 2/8/21.
Accession Number: 20210208–5109.
Comments Due: 5 p.m. ET 3/1/21.

Docket Numbers: ER21–1069–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 5670; Queue No. AE2–151 to be effective 2/27/2021.
Filed Date: 2/8/21.
Accession Number: 20210208–5125.
Comments Due: 5 p.m. ET 3/1/21.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC21–2–000.
Applicants: I Squared Capital.
Description: Self-Certification of FC of I Squared Capital.
Filed Date: 2/3/21.
Accession Number: 20210203–5169.
Comments Due: 5 p.m. ET 2/24/21.

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 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02896 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2814–025]

Great Falls Hydroelectric Company, City of Paterson, New Jersey; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license for the Great Falls Hydroelectric Project, located on the Passaic River, near the City of Paterson, Passaic County, New Jersey, and has prepared an Environmental Assessment (EA) for the project. The project occupies 2.4 acres of federal land administered by the National Park Service.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not

constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filings. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2814–025.

For further information, contact Chris Millard at (202) 502–8256 or by email at *christopher.millard@ferc.gov.*

Dated: February 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02899 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–28–000]

Columbia Gas Transmission, LLC; Notice of Request for Extension of Time

Take notice that on February 3, 2021, Columbia Gas Transmission, LLC (Columbia) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until October 31, 2021, to complete construction of the Line SM–116 Forced Relocation Project (Project) and make the Project available for service, as the Prior Notice authorized on February 25, 2020.[1] The Commission's regulations establish that the Project be completed within one year of the date the Project was authorized.

The Project consists of the relocation and/or abandonment of segments of Columbia's existing Line SM–116 due to highwall and area surface mining to be performed by Central Appalachian Mining on their Millseat Surface Mine. The relocation and/or abandonment activities will take place in Mingo County, West Virginia. Columbia stated in the Prior Notice application that the new Project infrastructure will have an equivalent designed delivery capacity as the facilities being abandoned and will not result in a reduction or abandonment of service.

In its Extension of Time request, Columbia stated that the contractor will not be able to meet the original in-service date because the Project has experienced significant delays due to rainfall on the site which delayed construction and created safety concerns for the personnel in traversing the construction work area safely. Additionally, the construction schedule was negatively impacted by the COVID–19 pandemic.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the extension motion may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[2]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[3] the Commission acting as a whole will aim to issue an order acting on the request within 45 days.[4] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[5] The Commission will not consider arguments that re-litigate the issuance of the Certificate Order, including whether the Commission properly found the project to be in the public convenience or necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[6] At the time a pipeline requests an extension of time, orders on certificates of public convenience and/or necessity are final and the Commission will not re-litigate their issuance. The OEP Director, or his or her designee, will act on all those extension requests that are uncontested.

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 COVID–19, issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests

[1] 85 FR 88 (Jan. 2, 2020).

[2] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

[3] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2020).

[4] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[5] *Id.* P 40.

[6] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* 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.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, February 23rd, 2021.

Dated: February 8, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02898 Filed 2–11–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R06–OW–2020–0608; FRL–10019–98–Region 6]

Approval of the Application by the State of Texas for Partial National Pollutant Discharge Elimination System (NPDES) Program Authorization for Oil and Gas Discharges

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On January 15, 2021, the Regional Administrator for the United States Environmental Protection Agency (EPA), Region 6 approved the request of the State of Texas' for Partial National Pollutant Discharge Elimination System (NPDES) program authorization for discharges from produced water, hydrostatic test water and gas plant effluent, hereafter referred to as oil and gas discharges, within the State of Texas. On October 12, 2020, the Governor of Texas submitted the application for NPDES oil and gas authorization, seeking approval for the Texas Commission on Environmental Quality (TCEQ) to implement a Major Category Partial NPDES Program as provided for under the Clean Water Act (CWA or ''the Act''). Today, the EPA is providing public notice of the approval of the State's submittal of the application for NPDES oil and gas authorization.

DATES: Pursuant to 40 CFR part 123.61(c), the Partial NPDES Program of the State of Texas was approved and became effective January 15, 2021.

To View and/or Obtain Copies of Documents. A copy of the application and related documents may be viewed or downloaded, at no cost, from the EPA website at *https://www.epa.gov/npdes-permts.*

FOR FURTHER INFORMATION CONTACT: Ms. Kilty Baskin, EPA Region 6 Office, NPDES/Wetland Review Section (R6 WD–PN), 214–665–7500, *baskin.kilty@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. General Information

1. Does this action apply to me?

Entities potentially affected by this action include the regulated oil and gas community and citizens within the State of Texas. As of January 15, 2021, authority to implement the NPDES permitting, compliance monitoring and enforcement program for oil and gas activities in Texas transferred from the EPA to the TCEQ. The TCEQ's authority applies on land within the State of Texas and extends 3.0 statute miles (1 statute mile equals 5,280 feet) offshore into the Gulf of Mexico. The EPA retains jurisdiction for discharges more than 3 statute miles offshore in the Gulf of Mexico. Thus, CWA oil and gas exploration and production related discharges in these waters remain subject to the EPA's Outer Continental Shelf of the Gulf of Mexico General Permit (GMG290000). In addition, spills or releases of hydrocarbons subject to the Oil Pollution Act are not subject to the NPDES program. The EPA's authority to address releases of hydrocarbons to waters of the United States under the Oil Pollution Act is not subject to the NPDES program and therefore cannot be delegated to states. The TCEQ will continue to refer incidents to EPA as the regulatory authority for the Oil Pollution Act. The TCEQ NPDES program does not apply in areas of Indian country as defined in 18 U.S.C. 1151. The EPA retains jurisdiction over discharges in these areas. If you have any questions regarding the applicability of this action to a particular entity, please contact Ms. Kilty Baskin at 214–665–7500, *baskin.kilty@epa.gov.*

2. What action is the EPA taking?

The EPA is providing notice of the approval of the State of Texas' request for partial NPDES program authorization for oil and gas discharges within the State. The Governor of Texas submitted the application for NPDES oil and gas authorization pursuant to Section 402(b) of the CWA, seeking approval for the TCEQ to implement a major category partial NPDES program under Section 402(n)(3) of the Act. In accordance with CWA Section 402(b), 33 U.S.C. 1342(b), and NPDES regulations at 40 CFR part 123, the EPA shall approve a State's application for program approval unless adequate authority does not exist as required by the CWA.

3. What is the EPA's authority for taking this action?

CWA section 402 established the NPDES permitting program and gives the EPA authority to approve state NPDES programs. 33 U.S.C. 1342(b). CWA Section 402(n)(3) authorizes the EPA to approve a Major Category Partial Permit Program covering administration of a major category of discharges if ''(A) such program represents a complete permit program and covers all of the discharges under the jurisdiction of a department or agency of the State; and (B) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b).'' 33 U.S.C. 1342(n)(3).

State Permit Program Approval: Section 402 of the CWA, 33 U.S.C. 1342, created the NPDES program under which the EPA may issue permits authorizing the point source discharge of pollutants to waters of the United States under conditions required by the Act. CWA Section 402(b), 33 U.S.C. 1342(b), provides that the EPA shall approve a State's request to administer its own permit program provided the State has appropriate legal authority and a state program that meets the Act's requirements. The regulatory requirements for state program submissions and for EPA state program approval are set forth in 40 CFR part 123 (*https://www.ecfr.gov/*).

Decision Process: Pursuant to 40 CFR 123.61(b), the EPA must approve or disapprove Texas' application for NPDES oil and gas authorization within 90 days of receipt of a complete program submission, unless this review period is extended by mutual agreement between the EPA and the State pursuant to 40 CFR 123.21(d). Under CWA § 402(b) and 40 CFR part 123, the State must show, among other things that it has the authority to issue permits that comply with the Act, authority to impose civil and criminal penalties for permit violations, and authority to ensure that the public is given notice and an opportunity for a hearing on each proposed permit. Once the State's request for program approval is declared complete, the CWA and its implementing regulations require the EPA to provide notice of the State's application and allow a comment period of at least 45 days during which the public may express their views on the proposed State program. The EPA's public notice of the application must

also provide notice of a public hearing to be held no less than 30 days after publication of the notice. See 40 CFR part 123.61. After the close of the public comment period, the EPA determines whether to approve or disapprove the State's application based on the requirements of section 402(b) of the CWA and 40 CFR part 123.

Summary of the State's Application/Proposed Program: By letter dated October 9, 2020, and received by the EPA on October 12, 2020, the Governor of the State of Texas submitted a request for NPDES program authorization for oil and gas discharges in Texas. The request was for approval of a Major Category Partial Permit Program under CWA section 402(n)(3) covering administration of a major category of discharges within the State. The State's NPDES oil and gas program would be administered by the TCEQ. The TCEQ currently implements an approved partial NPDES permitting program, the Texas Pollutant Discharge Elimination System (TPDES) program, for discharges to waters of the State in accordance with Clean Water Act § 402(n)(3). However, when TCEQ was granted authority by the EPA in 1998 to administer the NPDES program for discharges under its jurisdiction, oil and gas discharges were regulated by the Railroad Commission of Texas (RRC) and thus were not included as part of the approved TPDES program. As a result, the EPA retained permitting authority for oil and gas discharges in Texas. In 2019, House Bill 2771, 86th Texas Legislature, amended Texas Water Code § 26.131 to transfer jurisdiction of discharges of produced water, hydrostatic test water, and gas plant effluent into water in the state from the RRC to the TCEQ upon NPDES program authorization from the EPA for such discharges. A copy of Texas Water Code § 26.131 was attached as Attachment A to the State's application.

In accordance with 40 CFR part 123.21, the State's application included the following 5 elements: (1) A letter from the Governor requesting program approval; (2) A complete program description, as required by 40 CFR part 123.22, describing how the State intends to carry out its responsibilities under the Act and its implementing regulations; (3) An Attorney General's statement as required by 40 CFR part 123.23; (4) A Memorandum of Agreement (MOA) with the Regional Administrator as required by 40 CFR part 123.24; and (5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures.

A complete program description was included as Attachment E to the State's submission. The program description was divided into four (4) chapters:

- Overview of the TCEQ, as required by 40 CFR 123.22(a) and (b);
- Oil and Gas Permitting Program Description, as required by 40 CFR 123.22(c), (d) and (g);
- Oil and Gas Enforcement Program Description, as required by 40 CFR 123.22(d), (e) and (g); and
- Program Costs and Funding Description, as required by 40 CFR 123.22(b)(1)–(3).

A Statement of Legal Authority, signed by the Texas Attorney General, was included as Attachment C to the State's submission. The Statement of Legal Authority outlines the TCEQ's legal authority to regulate the discharge of produced water, hydrostatic test water, and gas plant effluent into water in the state resulting from oil and gas activities upon NPDES program authorization from the EPA. The Statement of Legal authority notes that when House Bill 2771 became effective, the term ''produced water'' was not defined in State rules or statutes. For the purposes of the TCEQ's implementation of amended Tex. Water Code § 26.131, the TCEQ defined the term ''produced water'' in 30 Tex. Admin. Code § 305.541(b) as ''all wastewater associated with oil and gas exploration, development, and production activities, except hydrostatic test water and gas plant effluent, that is discharged into water in the state, including waste streams regulated by 40 CFR part 435.'' Through the Statement of Legal Authority, the Texas Attorney General certified that amended Tex. Water Code § 26.131, in conjunction with the definition of produced water in 30 Tex. Admin. Code § 305.541(b) and the TCEQ's existing authority to issue permits for the discharge of pollutants into water in the state in Tex. Water Code § 26.121, provides the TCEQ with authority to issue TPDES permits for the discharge of all oil and gas wastewater into water in the State in Texas.

The MOA between the TCEQ and the EPA concerning the TPDES program and a MOA Addendum to address oil and gas discharges was included as Attachment D to the State's submission. The MOA Addendum recognizes that one of the most important goals for transferring NPDES program authority to Texas for oil and gas discharge permitting, compliance monitoring and enforcement is to promote and facilitate the expeditious transformation of federal NPDES and state permits into one TPDES permit. The MOA Addendum describes in detail the permitting, compliance monitoring and enforcement authority that will transfer to the TCEQ on the date of program authorization. Upon authorization, jurisdiction for EPA issued oil and gas permits and primary enforcement authority for oil and gas discharges within the State will be transferred to the TCEQ, with certain limited exceptions. The MOA Addendum describes in detail those exceptions, *i.e.,* permits and enforcement actions for which the EPA will initially retain jurisdiction, such as permits for which appeals are pending or enforcement actions that are currently ongoing. The MOA Addendum also details the actions that will trigger transfer of jurisdiction for those permits and enforcement actions to TCEQ, for example resolution of the permit appeal or resolution of the ongoing enforcement action.

Copies of all applicable State statutes and regulations, as well as the TCEQ Operating Policies and Procedures, were included as Attachment F to the State's submission. Please note that the TCEQ adopted by reference the EPA's Oil and Gas Effluent Limitation Guidelines (40 CFR part 435).

On November 5, 2020, the TCEQ submitted revised language to Attachment E—Chapter 3 Enforcement Program Description for clarification purposes. The revised language did not affect substantive changes to the State's program submission and was not a material change under 40 CFR part 123.12(c). The revised language clarified that the TCEQ's existing spill response program has been evaluated and determined to be adequate for the inclusion of wastewater spills from oil and gas operations subject to the NPDES program. Upon the EPA's approval of the State's request for NPDES authority for oil and gas discharges, primary enforcement authority for such spills and releases will transfer to the TCEQ. Spills or releases of hydrocarbons subject to the Oil Pollution Act are not subject to the NPDES program. The EPA's authority to address releases of hydrocarbons to waters of the United States under the Oil Pollution Act cannot be delegated to states and the TCEQ will continue to refer incidents to the EPA as the regulatory authority for the Oil Pollution Act.

The EPA determined that the State's October 12, 2020 program submission constituted a complete package under 40 CFR part 123.21, and a letter of completeness was sent to the State on November 12, 2020. Pursuant to 40 CFR part 123.21, within 90 days of the EPA's receipt of the State's complete program submission, or by January 11, 2021, the EPA was required to approve or disapprove the program based on the

requirements of CWA § 402(b) and 40 CFR part 123 and taking into consideration all comments received. However, pursuant to 40 CFR part 123.21(d), the EPA and the State agreed via email dated January 5, 2021, to extend the 90-day statutory review period deadline from January 11, 2021 to January 19, 2021 to allow the EPA additional time to consider and respond to all public comments.

Public notice of the application: On November 27, 2020, the EPA published notice of the State's application for NPDES program authorization for oil and gas discharges within the State and opened a 45-day comment period as required by 40 CFR part 123.61(a), which ended on January 11, 2021 (85 FR 76076).

Public notice of the State's application was also published in the following newspapers:

Dallas Morning News
Houston Chronicles
El Paso Herald
El Paso Time
Austin Times

Public Participation Process: The EPA held a public meeting and public hearing regarding the State's application virtually via Adobe Connect on January 5, 2021. The EPA deviated from its typical hearing approach because of the President's national emergency declaration due to the COVID–19 pandemic. Because of the current Center for Disease Control and Prevention recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, the EPA could not hold in-person public meetings/public hearings. The public meeting included an overview of federal and state NPDES program requirements, the state program approval and submittal process (in accordance with 40 CFR part 123), and the general elements of Texas' proposed program for administration of the NPDES program for oil and gas discharges (including the roles and responsibilities of the EPA and the TCEQ). The public hearing provided interested parties the opportunity to provide oral testimony for the official record. There were 52 attendees at the public meeting and 35 attendees at the public hearing. Two individuals presented oral testimony at the public hearing and 156 written comments were received by EPA prior to the close of the comment period.

Summary of Comments Received: In addition to the oral testimony at the public hearing, the EPA received 156 comments on the State of Texas' request for NPDES program authorization for oil and gas discharges. Comments were received from the following entities:

The Texas Alliance of Energy Producers
Environmental Defense Fund
The Sierra Club, Lone Star Chapter
Bay Coastal Watch Association
Audubon Texas
Pioneer Natural Resources, USA, Inc.
Texas Independent Producers and Royalty Owners Association
The American Exploration and Production Council (AXPC)
Citizens of the local communities

EPA received 156 written comments. Of those 156 comments, approximately 130 were very similar in nature, expressing concern with the State's request to implement the NPDES oil and gas program in the State and requesting an extension of the 45-day public comment period. Commenters in opposition to EPA's approval of the State program expressed various concerns, including TCEQ's ties to the oil and gas industry, the lack of current understanding as to the composition of produced waters, and the need for updated effluent limitations guidelines related to oil and gas discharges. At least one commenter acknowledged that the State's program likely met the minimum requirements for authorization under the CWA and 40 CFR part 123, but expressed concern that the EPA retain sufficient oversight over permit review and issuance to ensure compliance with the CWA.

The EPA received 6 comments in support of the State's request for program authorization. These commenters asserted, among other things, that TCEQ has extensive experience with writing NPDES permits for a wide range of discharges, that the requirement to incorporate applicable effluent limitations guidelines into discharge permits will not change with the transfer of NPDES permitting authority from EPA to TCEQ, and that TCEQ is the agency most knowledgeable with regard to the quality of State water bodies and the permit requirements needed to protect those water bodies.

All comments received by the EPA were considered by the agency in making its final decision to approve Texas' request for program authorization. Copies of all comments received and EPA's written responses to those comments are available at *https://www.epa.gov/npdes-permits.*

Additional information about the State's request for partial NPDES program authorization, including a copy of the State's application and supporting documents, is available at *www.regulations.gov,* Docket No. EPA–R06–2020–0608, or at EPA's Region 6 web page *https://www.epa.gov/npdes-permits.* Documents from the public meeting and a transcript of the public hearing are available at the web page.

On December 17, 2020, the EPA held a virtual tribal consultation conference to notify affected Tribes of the opportunity for formal and informal consultation, as well as the availability of EPA staff for informal discussions through-out the public participation process. The federally-recognized Texas Tribes that were represented included: The Alabama-Coushatta Tribes of Texas and the Kickapoo Traditional Tribe of Texas. The Ysleta del Sur Pueblo was not in attendance. The EPA did not receive any comments from the Tribes during the 45-day public comment period on the State of Texas's request for NPDES program authorization for oil and gas discharges within the State or a request to initiate formal consultation. Therefore, the EPA concluded that a formal tribal consultation was not required.

Authority: This action is taken under the authority of section 402(b) of the Clean Water Act as amended, 33 U.S.C. 1342(b). Pursuant to 40 CFR 123.61(c), I hereby provide public notice of the EPA's final action approving the State of Texas' request for NPDES program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent, otherwise known as oil and gas discharges, within the State.

Dated: February 5, 2021.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2021–02895 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2020–0563; FRL–10016–50–Region 10]

Final Eligibility Determination for the Kalispel Tribe To Be Treated in the Same Manner as a State Under Provisions of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that on December 1, 2020, the Environmental Protection Agency (EPA) Region 10 Regional Administrator determined that the Kalispel Tribe meets the eligibility requirements of the Clean Air Act (CAA) to be treated in the same manner as a state (TAS) for non-regulatory purposes under certain CAA provisions. None of the provisions for which the Kalispel

Tribe requested eligibility entails the exercise of Tribal regulatory authority under the CAA.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2020–0563. The eligibility determination and other docket materials are available electronically at the EPA's electronic public docket system, found at *https://www.regulations.gov.* Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section if you need assistance.

FOR FURTHER INFORMATION CONTACT: India Young, Air and Radiation Division, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, Washington 98101, 206–553–1219, *young.india@epa.gov.*

SUPPLEMENTARY INFORMATION: The Kalispel Indian Community of the Kalispel Reservation (Kalispel Tribe) is a Federally recognized tribe located in northeastern Washington. On April 21, 2020, the EPA received an application from the Kalispel Tribe pursuant to section 301(d), 42 U.S.C. 7601(d), of the Clean Air Act (CAA) and the EPA's regulations at 40 CFR part 49. In their application, the Kalispel Tribe requested TAS eligibility for the non-regulatory provisions of six CAA provisions generally relating to grant funding (section 105 of the CAA, 42 U.S.C. 7405), interstate transport of air pollutants (sections 110(a)(2)(D) and 126 of the CAA, 42 U.S.C. 7410(a)(2)(D) and 7426), participation in certain interstate and regional air quality bodies (sections 169B and 176A of the CAA, 42 U.S.C. 7492 and 7506a), and receiving notices of, reviewing, and/or commenting on certain nearby permitting and sources (section 505(a)(2) of the CAA, 42 U.S.C. 7661d(a)(2)). None of the provisions for which the Kalispel Tribe requested eligibility entails the exercise of Tribal regulatory authority under the CAA. The Kalispel Tribe's TAS application thus does not request, and the EPA's decision to approve the application does not approve, Tribal authority to implement any CAA regulatory program or to otherwise implement Tribal regulatory authority under the CAA.

In accordance with the EPA's regulations, as part of its review process, the EPA notified all appropriate governmental entities and the public of the Kalispel Tribe's TAS application. In these notices, the EPA specified the geographic boundaries of the Kalispel Reservation as identified in the Kalispel Tribe's application. The EPA afforded the appropriate governmental entities and the public over 37 days to provide written comments regarding any dispute concerning the boundary of the Kalispel Reservation. No one provided comments disputing the boundaries of the Kalispel Reservation.

On December 1, 2020, the EPA determined that the Kalispel Tribe has met the requirements of section 301(d)(2) and 40 CFR 49.6 and are therefore approved to be treated in the same manner as a state as follows:

- *Section 105 of the CAA, 42 U.S.C. 7405:* Status as a ''State'' such that the Kalispel Tribe is eligible for the maximum funding available to an ''air pollution control agency.''
- *Section 110(a)(2)(D) of the CAA, 42 U.S.C. 7410(a)(2)(D):* Status as an affected ''other State'' in the context of other states' implementation plans.
- *Section 126 of the CAA, 42 U.S.C. 7426:* Status as a ''nearby State'' in the context of interstate pollution from major stationary sources.
- *Section 169B of the CAA, 42 U.S.C. 7492:* Status as a ''State'' in the context of interstate visibility commissions.
- *Section 176A of the CAA, 42 U.S.C. 7506a:* Status as a ''State'' in the context of interstate transport commissions.
- *Section 505(a)(2) of the CAA, 42 U.S.C. 7661d(a)(2):* Status as an ''affected State'' in the context of Title V permits issued by other states.

The EPA's decision also concludes that, for the purposes of this eligibility determination, the Kalispel Tribe's jurisdiction extends to the exterior boundaries of the original, formal Kalispel Reservation established and described by Executive Order 1904, signed by President Woodrow Wilson on March 23, 1914, as well as the United States Surveyor General's Map of the Kalispel Indian Reservation dated May 26, 1919, included in the docket for this notice.

A detailed explanation of the EPA's approval of the Kalispel Tribe's TAS application may be found in the docket for this notice.

Judicial Review: Pursuant to section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)), Petitioners may seek judicial review of this approval in the United States Court of Appeals for the Ninth Circuit. Any petition for judicial review shall be filed within 60 days from the date this notice appears in the **Federal Register**, *i.e.,* not later than April 13, 2021.

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

Dated: February 8, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021–02956 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9055–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed February 1, 2021 10 a.m. EST Through February 8, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210017, Final, FEMA, CT, ADOPTION—Resilient Bridgeport, Review Period Ends: 03/15/2021, Contact: Eric Kuns 202–805–9089.

The Federal Emergency Management Agency (FEMA) has adopted the Connecticut Department of Housing Final EIS No. 20190215, filed 08/29/2019 with EPA. FEMA was not a cooperating agency on this project. Therefore, republication of the document is necessary under Section 1506.3(b)(1) of the CEQ regulations.

EIS No. 20210018, Final, BLM, CA, Crimson Solar Project Final Environmental Impact Statement and Proposed Land Use Amendment to the California Desert Conservation Area Plan, Review Period Ends: 03/15/2021, Contact: Miriam Liberatore 951–697–5200.

Amended Notice

EIS No. 20200223, Draft, NRC, NM, Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico, Comment Period Ends: 05/27/2021, Contact: Ashley Waldron 301–415–7317. Revision to FR Notice Published 12/23/2020; Extending the Comment Period from 02/26/2021 to 05/27/2021.

EIS No. 20200239, Draft, MARAD, USCG, TX, Texas Gulflink Deepwater Port License Application, Comment Period Ends: 01/22/2021, Contact: Brad McKitrick 202–372–1443. Revision to FR Notice Published 11/27/2020; Correcting the Comment Period Due Date from 01/11/2021 to 01/22/2021; and Correcting the Lead Agency to include MARAD.

EIS No. 20200263, Draft, DOE, ID, Draft Versatile Test Reactor Environment

Impact Statement, Comment Period Ends: 03/02/2021, Contact: James Lovejoy 208–526–6805. Revision to FR Notice Published 12/31/2020; Extending the Comment Period from 02/16/2021 to 03/02/2021.

Dated: February 8, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–02888 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL10020–16–Region 3]

Clean Air Act Operating Permit Program; Petition To Object to the Title V Permit for Northampton Generating Co., LP; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) Administrator signed an Order, dated July 15, 2020, partially granting and partially denying a petition to object to a state operating permit issued by the Pennsylvania Department of Environment Protection (PADEP). The Order responds to a January 8, 2020 petition, relating to Northampton Generating Co., LP's Northampton Plant (Northampton), an electric utility generation facility located in Northampton County, Pennsylvania. The petition was submitted by the Sierra Club and the Clean Air Council. This Order constitutes final action on that petition requesting that the Administrator object to the issuance of the proposed CAA title V permit.

DATES: February 12, 2021.

ADDRESSES: Copies of the final Order, the petition, and all pertinent information relating thereto can be requested by electronic mail to the address set forth below in the **FOR FURTHER INFORMATION CONTACT** section. The final Order is also available electronically at the following website: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Emily Bertram, Permits Branch, Air and Radiation Division, EPA Region III, (215) 814–5273, *bertram.emily@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to a state operating permit if EPA has not done so. Petitions must be based only on objections raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for objection or other issue arose after the comment period.

In the Northampton petition (numbered III–2020–1), the Petitioners sought EPA objection on the following issues: (Claim I) the Northampton permit's monitoring regime did not ensure that emissions restrictions are met; (Claim II) PADEP erred in allowing Northampton to modify its permit using the less stringent minor modification process. PADEP issued the final Northampton operating permit (permit No. 48–00021) on December 16, 2019.

The Order explains the reasons behind EPA's decision to partially grant and partially deny the petition for objection. Pursuant to section 505(b)(2) of the CAA, the Petitioner may seek judicial review of those portions of the Northampton petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days of this notice in accordance with the requirements of section 307 of the CAA.

Dated: February 8, 2021.

Cristina Fernandez,

Director, Air and Radiation Division, Region III.

[FR Doc. 2021–02963 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2020–0724; FRL–10019–86–Region 10]

Proposed Information Collection Request; Comment Request; Federal Implementation Plans Under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is planning to submit an information collection request (ICR), Proposed Information Collection Request; Comment Request; Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in this document. This is a proposal to extend the current ICR, which expires on August 31, 2021. 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.

DATES: Comments must be submitted on or before April 13, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–R10–OAR–2020–0724, online using *https://www.regulations.gov.*

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information, or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sarah Frederick, Air and Radiation Division, telephone number: (206) 553–1601; email address: *Frederick.Sarah@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov.* For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including

whether the information will have practical utility; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA promulgated Federal Implementation Plans (FIPs) under the Clean Air Act for Indian reservations located in Idaho, Oregon, and Washington in 40 CFR part 49 (70 FR 18074, April 8, 2005). The FIPs in the final rule, also referred to as the Federal Air Rules for Indian Reservations in Idaho, Oregon, and Washington (FARR), include information collection requirements associated with the partial delegation of administrative authority to a Tribe in 40 CFR 49.122; the rule for limiting visible emissions at 40 CFR 49.124; fugitive particulate matter rule in 40 CFR 49.126; the wood waste burner rule in 40 CFR 49.127; the rule for limiting sulfur in fuels in 40 CFR 49.130; the rule for open burning in 40 CFR 49.131; the rules for general open burning permits, agricultural burning permits, and forestry and silvicultural burning permits in 40 CFR 49.132, 49.133, and 49.134; the rule for emissions detrimental to human health and welfare in 40 CFR 49.135; the registration rule in 40 CFR 49.138; and the rule for non-title V operating permits in 40 CFR 49.139. EPA uses this information to manage the activities and sources of air pollution on the Indian reservations in Idaho, Oregon, and Washington. EPA believes these information collection requirements are appropriate because they will enable EPA to develop and maintain accurate records of air pollution sources and their emissions, track emissions trends and changes, identify potential air quality problems, allow EPA to issue permits or approvals, and ensure appropriate records are available to verify compliance with these FIPs. The information collection requirements listed above are all mandatory. Regulated entities can assert claims of business confidentiality and EPA will address these claims in accordance with the provisions of 40 CFR part 2, subpart B.

Form Numbers:

The forms associated with this ICR are:

EPA Form 7630–1 Nez Perce Reservation Air Quality Permit: Agricultural Burn
EPA Form 7630–2 Nez Perce Reservation Air Quality Permit: Forestry Burn
EPA Form 7630–3 Nez Perce Reservation Air Quality Permit: Large Open Burn
EPA Form 7630–4 Initial or Annual Source Registration
EPA Form 7630–5 Report of Change of Ownership
EPA Form 7630–6 Report of Closure
EPA Form 7630–7 Report of Relocation
EPA Form 7630–8 Small Burn Air Quality Permit Application
EPA Form 7630–9 Non-Title V Operating Permit Application Form
EPA Form 7630–10 Umatilla Indian Reservation: Agricultural Burn Permit Application
EPA Form 7630–11 Umatilla Indian Reservation: Forestry Burn Permit Application
EPA Form 7630–12 Umatilla Indian Reservation: Large Open Burn Permit Application

The forms listed above are available for review in the EPA docket.

Respondents/affected entities: Respondents or entities potentially affected by this action include owners and operators of air emission sources in all industry groups and tribal governments, located in the identified Indian reservations.

Respondent's obligation to respond: Respondents obligation to respond is mandatory. See 40 CFR 49.122, 49.124, 49.126, 49.130 through 135, 49.138, and 49.139.

Estimated number of respondents: 1,732 (total).

Frequency of response: Annual or occasional.

Total estimated burden: 3,601 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $286,888 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 614 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is based on input from source consultations, supersedence of the provisions of one rule (49.139), and information we have learned about the source universe through implementing the rules since the ICR was updated in 2018.

Dated: February 4, 2021.

Krishnaswamy Viswanathan,

Director, Air and Radiation Division, Region 10.

[FR Doc. 2021–02848 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2005–0530; FRL–10018–98–ORD]

Proposed Information Collection Request; Comment Request; Application for Reference and Equivalent Method Determination (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), Application for Reference and Equivalent Method Determination'' (EPA ICR No. 0559.14, OMB Control No. 2080–0005) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 20, 2021. 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.

DATES: Comments must be submitted on or before April 13, 2021.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–ORD–2005–0530, online using *www.regulations.gov* (our preferred method), by email to *ord-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Robert W. Vanderpool, Environmental Protection Agency, Center for Environmental Measurements and

Modeling, Air Methods and Characterization Division, Ambient Air Branch, Mail Drop D205–03, Research Triangle Park, NC 27711; telephone number: 919–541–7877; fax number: 919–541–4848; email address *vanderpool.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: To determine compliance with the National Ambient Air Quality Standards (NAAQS), State air monitoring agencies are required to use, in their air quality monitoring networks, air monitoring methods that have been formally designated by the EPA as either reference or equivalent methods under EPA regulations at 40 CFR part 53. A manufacturer or seller of an air monitoring method (*e.g.,* an air monitoring sampler or analyzer) that seeks to obtain such EPA designation of one of its products must carry out prescribed tests of the method. The test results and other information must then be submitted to the EPA in the form of an application for a reference or equivalent method determination in accordance with 40 CFR part 53. The EPA uses this information, under the provisions of 40 CFR part 53, to determine whether the particular method should be designated as either a reference or equivalent method. After a method is designated, the applicant must also maintain records of the names and mailing addresses of all ultimate purchasers of all analyzers or samplers sold as designated methods under the method designation. If the method designated is a method for fine particulate matter ($PM_{2.5}$) and coarse particulate matter ($PM_{10-2.5}$), the applicant must also submit a checklist signed by an ISO-certified auditor to indicate that the samplers or analyzers sold as part of the designated method are manufactured in an ISO 9001-registered facility. Also, an applicant must submit a minor application to seek approval for any proposed modifications to previously designated methods.

Form Numbers: None.

Respondents/affected entities: Private manufacturers, states.

Respondent's obligation to respond: Required to obtain the benefit of EPA designation under 40 CFR part 53. Submission of some information that is claimed by the applicant to be confidential business information may be necessary to make a reference or equivalent method determination. The confidentiality of any submitted information identified as confidential business information by the applicant will be protected in full accordance with 40 CFR 53.15 and all applicable provisions of 40 CFR part 2.

Estimated number of respondents: 22 (total).

Frequency of response: Annual.

Total estimated burden: 7,492 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $746,029 (per year), includes $152,152 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: January 27, 2021.

Timothy Watkins,

Director, Center for Environmental Measurements and Modeling.

[FR Doc. 2021–02847 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10020–03–Region 1]

Bona Fide Prospective Purchaser Proposed Settlement Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; In Re: Mohawk Tannery Site, Located in Nashua, New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is hereby providing notice of a proposed settlement agreement concerning the Mohawk Tannery Site in Nashua, New Hampshire. The settlement agreement is entered into pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), and the authority of the Attorney General of the United States to compromise and settle claims of the United States. The proposed settlement agreement is between the U.S. Environmental Protection Agency (''EPA'') and bona fide prospective purchaser Blaylock Holdings, LLC (''Settling Party''). The proposed Settlement Agreement requires the Settling Party to conduct work under EPA oversight in exchange for a covenant not to sue pursuant to sections 106 and 107(a) of CERCLA, for existing contamination at the Mohawk Tannery Site. The Settlement provides the Settling Party with pre-authorized mixed funding for the work. The Settling Party consents to and will not contest the authority of the United States to enter into this Agreement or to implement or enforce its terms. The Settling Parties recognize that this Agreement has been negotiated in good faith and that this Agreement is entered into without the admission or adjudication of any issue of fact or law.

DATES: EPA will receive written comments relating to the settlement until March 15, 2021. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Comments should be sent via email and addressed to RuthAnn Sherman, Senior Enforcement Counsel,

Office of Regional Counsel, U.S. EPA Region 1, 5 Post Office Square, Suite 100, Boston, MA 02109 at email *sherman.ruthann@eap.gov.* Comments should refer to: In the Matter of: Mohawk Tannery Site, U.S. EPA Region 1, Docket No. CERCLA–01–2020–0063.

FOR FURTHER INFORMATION CONTACT: The proposed settlement and additional background information relating to the settlement are available for public inspection at the U.S. EPA Region 1 OSRR Records and Information Center, 5 Post Office Square, Suite 100, Boston, MA 02109. In addition, a copy of the proposed settlement agreement can be obtained from RuthAnn Sherman, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, Boston, MA 02109; 617–918–1886; *sherman.ruthann@epa.gov.* Additional information on the Mohawk Tannery Site can be found through the U.S. EPA Region I website at: *epa.gov/superfund/mohawk.*

Bryan Olson,

Director, Superfund and Emergency Management Division, U.S. EPA, Region I.

[FR Doc. 2021–02887 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIROMENTAL PROTECTION AGENCY

[FRL–10020–17–Region 3]

Clean Air Act Operating Permit Program; Petition To Object to the Title V Permit for Northeast Maryland Waste Disposal Authority; Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the Administrator of the Environmental Protection Agency (EPA) signed an Order, dated December 11, 2020, granting a petition to object to a state operating permit issued by the Maryland Department of the Environment (MDE). The Order responds to a February 4, 2019 petition, relating to the Northeast Maryland Waste Disposal Authority's Montgomery County Resource Recovery Facility (MCRRF), a municipal solid waste resource recovery facility located in Montgomery County, Maryland. The petition was submitted by the Environmental Integrity Project and the Chesapeake Climate Action Network (the Petitioners). This Order constitutes final action on that petition requesting that the Administrator object to the issuance of the proposed CAA title V permit.

DATES: February 12, 2021.

ADDRESSES: Copies of the final Order, the petition, and all pertinent information relating thereto can be requested by electronic mail to the address set forth below in the **FOR FURTHER INFORMATION CONTACT** section. The final Order is also available electronically at the following website: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Cynthia Stahl, Permits Branch, Air & Radiation Division, EPA Region III, (215) 814–2180, *stahl.cynthia@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, title V operating permits proposed by state permitting authorities. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to a state title V operating permit if EPA has not done so. Petitions must be based only on objections raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for objection or other issue arose after the comment period.

MDE issued the final MCRRF renewal operating permit (permit no. 24–031–1718) on January 1, 2019. In the MCRRF petition (numbered III–2019–2), the Petitioners sought EPA objection on the basis that the title V permit failed to set forth monitoring requirements that assured continuous compliance with the 1-hour Prevention of Significant Deterioration emission limit for hydrogen chloride. The Order explains the reasons behind EPA's decision to grant the petition for objection.

Dated: February 4, 2021.

Cristina Fernandez,

Air and Radiation Division, US EPA Region III.

[FR Doc. 2021–02835 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10019–87–OAR]

Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability and request for comments.

SUMMARY: The Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2019 is available for public review. The Environmental Protection Agency (EPA) requests recommendations for improving the overall quality of the inventory report to be finalized in April 2021, as well as subsequent inventory reports.

DATES: To ensure your comments are considered for the final version of the document, please submit your comments by March 15, 2021. However, comments received after that date will still be welcomed and considered for the next edition of this report.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2021–0008, to the Federal eRulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. Do not submit electronically any information you consider to be Confidential Business Information (CBI). Comments can also be submitted in hardcopy to GHG Inventory at: Environmental Protection Agency, Climate Change Division (6207A), 1200 Pennsylvania Ave. NW, Washington, DC 20460, Fax: (202) 343–2342. You are welcome and encouraged to send an email with your comments to *GHGInventory@epa.gov.* EPA may publish any comment received to its public docket, submitted in hardcopy or sent via email. For additional submission methods, the full EPA public comment policy, information about CBI, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ms. Mausami Desai, Environmental Protection Agency, Office of Air and Radiation, Office of Atmospheric Programs, Climate Change Division, (202) 343–9381, *GHGInventory@epa.gov.*

SUPPLEMENTARY INFORMATION: Annual U.S. emissions for the period of time from 1990 through 2019 are summarized and presented by sector, including source and sink categories. The inventory contains estimates of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3) emissions. The technical approach used in this report to estimate emissions and sinks for greenhouse gases is consistent with the methodologies recommended by the Intergovernmental Panel on Climate Change (IPCC), and reported in a format

consistent with the United Nations Framework Convention on Climate Change (UNFCCC) reporting guidelines. The Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2019 is the latest in a series of annual, policy-neutral U.S. submissions to the Secretariat of the UNFCCC. EPA requests recommendations for improving the overall quality of the inventory report to be finalized in April 2021, as well as subsequent inventory reports. The draft report is available at *https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks.*

Hans Christopher Grundler,

Director, Office of Atmospheric Programs.

[FR Doc. 2021–02910 Filed 2–11–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 17414]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before April 13, 2021.

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

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: GRUNDY COUNTY BROADCASTERS, INC., WCSJ(AM), Fac. ID No. 17039, From MORRIS, IL, To SOMONAUK, IL, File No. BP–20201215AAA; BOARD OF TRUSTEES, UNIVERSITY OF FLORIDA, WUFQ(FM), Fac. ID No. 121772, From CROSS CITY, FL, To ARCHER, FL, File No. 0000125336; and TOWNSQUARE MEDIA OF FT. COLLINS, INC, KKPL(FM), Fac. ID No. 54394, From CHEYENNE, WY, To LAPORTE, CO, File No. 0000129172. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, *https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sear.htm* or Licensing and Management System (LMS), *https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html.*

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2021–02836 Filed 2–11–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

TIME AND DATE: February 17, 2021; 2:00 p.m.

PLACE: This meeting will be held by video-conference only.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

1. *Fact Finding 29 Update:* Addressing unreasonable detention, demurrage, and other carrier and port practices; enforcement options.

CONTACT PERSON FOR MORE INFORMATION: Rachel Dickon, Secretary, (202) 523–5725.

Rachel Dickon,

Secretary.

[FR Doc. 2021–03061 Filed 2–10–21; 4:15 pm]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 15, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President), 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Busey Corporation, Champaign, Illinois;* to merge with Cummins-American Corp., and thereby indirectly acquire Glenview State Bank, both of Glenview, Illinois.

Board of Governors of the Federal Reserve System, February 9, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–02943 Filed 2–11–21; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–21–0062; Docket No. ATSDR–2021–0002]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on ''Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill.'' The purpose of the proposed study is to evaluate and characterize human exposure potential to polyaromatic hydrocarbons during play on synthetic turf fields with tire crumb rubber infill.

DATES: ATSDR must receive written comments on or before April 13, 2021.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2021–0002 by any of the following methods:

• *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. ATSDR will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

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.

5. Assess information collection costs.

Proposed Project

Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill (OMB Control No. 0923–0062, Exp. 10/31/2021)—Extension—Office of Community Health and Hazard Assessment (OCHHA), Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

ATSDR is requesting a two-year extension for the research study, titled ''Supplemental Measurements for Exploratory Research Regarding Exposure During Activities Conducted on Synthetic Turf Fields with Tire Crumb Rubber Infill.'' (OMB Control No. 0923–0062, Expiration date 10/31/2021). ATSDR is seeking Paperwork Reduction Act (PRA) clearance to extend the data collection period due to delays encountered with the 2020 COVID–19 pandemic.

Currently in the United States, there are more than 12,000 synthetic turf fields in use. While the Synthetic Turf Council has set guidelines for the content of crumb rubber used as infill in synthetic turf fields, manufacturing processes result in differences among types of crumb rubber. Additionally, the chemical composition may vary highly between different processes and source materials and may vary even within granules from the same origin.

The Research protocol, Collections Related to Synthetic Turf Fields with Crumb Rubber Infill, has been conducted previously under two information collection requests (ICRs): Activity 1 under OMB Control No. 0923–0054 (Expiration Date 01/31/2017) and Activities 2 and 3 under OMB Control No. 0923–0058 (Expiration Date 08/13/2018), which were limited to collections from August to October, 2017. Activities 2 and 3 aim to evaluate and characterize the human exposure potential to constituents in crumb rubber infill among a convenience sample of 60 field users (Activity 2) and to collect biological specimens (blood and urine) from 45 participants (Activity 3). Due to the limited enrollment and collection period, the target Activity 2 and Activity 3 samples sizes were not met in 2017.

The current request seeks to conduct supplemental measurements to expand the exploratory analysis conducted under OMB Control No. 0923–0058. The current request allows for further investigation of patterns observed in the preliminary data from the 2017 pilot-scale exposure measurements of individuals playing on synthetic turf fields with crumb rubber infill and collecting data from a small number of individuals who are playing on grass fields.

In December 2020, ATSDR submitted a change request to OMB to incorporate COVID–19 prevention and protection measures. The COVID–19 prevention and protection measures will be implemented before data collection begins this spring. The current study is a larger-scale supplemental assessment of exposure potential for individuals who use/play on synthetic turf fields with tire crumb rubber infill.

The study includes persons who use synthetic turf with crumb rubber infill (*e.g.,* facility users) and who routinely perform activities that would result in a high level of contact to crumb rubber. The study also includes persons who use natural grass fields. This allows for evaluation of potential high-end exposures to constituents in synthetic turf among this group of users and for comparison to individuals who do not play on synthetic turf fields with tire crumb rubber infill. The respondents are administered a detailed questionnaire on activity patterns on synthetic turf with crumb rubber infill. This instrument allows ATSDR to characterize exposure scenarios, including the nature and duration of potential exposures. Additionally, we are collecting urine samples pre- and post-activity. The urine samples will be analyzed for polyaromatic hydrocarbons and then archived for future analysis.

There are no changes to the instruments, the total burden hours, or the total number of respondents. The research study aims to screen a total of 220 participants for eligibility. The sample size for synthetic turf field users is 150, and 50 for the natural grass field users. The total burden hours for the research study is 184 hours among all of the 220 respondents. There is no cost to the respondents other than their time in the study.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hr.)
Adult/Adolescent Facility Users	Eligibility Screening Script	110	1	5/60	9
	Adult and Adolescent Questionnaire	100	1	30/60	50
	Exposure Measurement Form	100	1	20/60	33
Parents/Guardians of Youth/Child Facility Users.	Eligibility Screening Script	110	1	5/60	9
	Youth and Child Questionnaire	100	1	30/60	50
Youth/Child Facility Users	Exposure Measurement Form	100	1	20/60	33
Total					184

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02949 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control; Correction

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, National Center for Injury Prevention and Control; February 16, 2021, 10:00 a.m. to 4:15 p.m., EST which was published in the **Federal Register** on January 8, 2021, Volume 86, Number 5, page 1502.

The dates and addresses should read as follows:

DATES: The meeting will be held on February 16, 2021, from 10:00 a.m.–4:30 p.m., EST.

ADDRESSES: Zoom Virtual Meeting. If you would like to attend the virtual meeting, please pre-register by accessing the link at *https://dceproductions.zoom.us/webinar/register/WN_AQ70-aWpTqKvPX9Ftap_UA.* Instructions to access the Zoom virtual meeting will be provided in the link following your registration.

Meeting Information: There will be a public comment period at the end of the meeting; from 3:45 p.m.–4:15 p.m. The public is encouraged to register to provide public comment using the registration form available at the link provided: *https://www.surveymonkey.com/r/cbyh878.*

Individuals registered to provide public comment will be called upon first to speak based on the order of registration, followed by others from the public. All public comments will be limited to two (2) minutes per speaker.

Written comments may also be submitted for the meeting record and must be received on or before February 23, 2021; *ncipcbsc@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE, Mailstop S–106–9, Atlanta, Georgia 30341, Telephone: (770) 488–1430, Email: *ncipcbsc@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. 2021–02849 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1071]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 21, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

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

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the

Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0920–1071, Exp. 2/28/2021)—Extension—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC/NCEZID is seeking a three-year extension of OMB control No. 0920–1071 to continue collecting routine customer feedback on agency service delivery. Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers' needs, the National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC) (hereafter the ''Agency'') seeks to obtain OMB approval of a generic clearance to collect qualitative feedback on our service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Since getting approval in February 2018, NCEZID has utilized 0920–1071 ten separate times. The total number of responses was 15,585. The total number of burden hours was 2,525. Authorizing legislation for this collection comes from Section 301 of the Public Health Service Act (42 U.S.C. 241). The estimated annual burden hours requested for this Extension are 3,850. There is no cost to respondents other than the time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General public	Online surveys	1500	1	30/60
	Focus groups	800	1	2
	In-person surveys	1000	1	30/60
	Usability testing	1500	1	30/60
	Customer comment cards	1000	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02948 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21CT; Docket No. CDC–2021–0006]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a request for emergency clearance of the information collection titled Requirement for Negative Pre-Departure Covid–19 Test Result or Documentation of Recovery from Covid–19 for all Airline or other Aircraft Passengers arriving into the United States from any foreign country. This collection accompanies a CDC Order of the same name and is designed to prohibit the introduction into the United States of any airline passenger departing from the any foreign country unless the passenger:

(1) Has a negative pre-departure test result for COVID–19 (Qualifying Test), or (2) has written or electronic documentation of recovery from COVID–19 in the form of a positive viral test result and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for travel.

DATES: CDC must receive written comments on or before April 13, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0006 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and

instruments, contact Jeffrey M. Zirger, of the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

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.

5. Assess information collection costs.

Proposed Project

Requirement for Negative Pre-Departure Covid–19 Test Result or Documentation of Recovery From Covid–19 for all Airline or other Aircraft Passengers Arriving into the United States from any Foreign Country—New—National Center for Emerging Zoonotic and Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This information collection accompanies the Notice and Order named above. Pursuant to 42 CFR 71.20 and as set forth in greater detail below, this Notice and Order prohibit the introduction into the United States of any airline passenger departing from the any foreign country unless the passenger:

(1) Has a negative pre-departure test result for COVID–19 (Qualifying Test), or (2) has written or electronic documentation of recovery from COVID–19 in the form of a positive viral test result and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for travel (Documentation of Recovery).

The negative test must be a viral test that was conducted on a specimen collected during the three days preceding the flight's departure from a foreign country. Passengers must retain written or electronic documentation reflecting the Qualifying Test, or Documentation of Recovery, presented to the airline and produce such documentation upon request to any U.S. government official or a cooperating state or local public health authority.

Pursuant to 42 CFR 71.31(b), the Order constitutes a controlled free pratique to any airline with an aircraft arriving into the United States from any foreign country. Pursuant to the controlled free pratique, the airline must comply with the following conditions in order to receive permission for the aircraft to enter and disembark passengers in the United States:

- Airline or other aircraft operator must verify that every passenger—two years of age or older—onboard the aircraft has attested to receiving a negative Qualifying Test result or to having recovered from COVID–19 after previous SARS–CoV–2 infection and being cleared to travel by a licensed health care provider or public health official.
- Airline or other aircraft operator must confirm that every passenger onboard the aircraft has documentation of a negative Qualifying Test result or Documentation of Recovery from COVID–19.

Certain exemptions and waivers do apply, and are as follows:

- Crew members of airlines or other aircraft operators provided that they follow industry standard protocols for the prevention of COVID–19 as set forth in relevant Safety Alerts for Operators (SAFOs) issued by the Federal Aviation Administration (FAA).
- Airlines or other aircraft operators transporting passengers with COVID–19 pursuant to CDC authorization and in accordance with CDC guidance.
- Federal law enforcement personnel on official orders who are traveling for the purpose of carrying out a law enforcement function, provided they are covered under an occupational health and safety program in accordance with CDC guidance. Those traveling for training or other business purposes remain subject to the requirements of this Order.
- U.S. Department of Defense (DOD) personnel, including military personnel and civilian employees, dependents, contractors (including whole aircraft charter operators), and other U.S. government employees when traveling on DOD assets, provided that such individuals are under competent military or U.S government travel orders and observing DOD precautions to prevent the transmission of COVID–19 as set forth in *Force Protection Guidance Supplement 14—Department of Defense Guidance for Personnel Traveling During the Coronavirus Disease 2019 Pandemic* (December 29, 2020) including its testing guidance.
- Individuals and organizations for which the issuance of a humanitarian exemption is necessary based on both (1) exigent circumstances where emergency travel is required to preserve health and safety (*e.g.,* emergency medical evacuations) and (2) where pre-departure testing cannot be accessed or completed before travel. Additional conditions may be placed on those granted such exemptions, including but not limited to, observing precautions during travel, providing consent to post-arrival testing, and/or self-quarantine after arrival in the United States, as may be directed by federal, state, territorial, tribal or local public health authorities to reduce the risk of transmission or spread.

CDC anticipates certain additional cost burdens to respondents and record keepers due to the requirements. These costs fall into the following categories:

- Traveler testing and ancillary costs: $9,136,480,000.
- Traveler deferred travel costs: $44,370,000.
- Airline staff costs for digitizing attestations: $12,257,000.
- Airline costs to store attestations: $1,200–$1,050,000 a year depending on size of airline and number of travelers.

Estimated burden hours associated with this collection are 70,843,733.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Traveler (3rd Party Disclosure)	Attestation of a negative COVID–19 test/Documentation indicating clearance for travel by a licensed healthcare provider or public health official.	34,000,000	1	2	68,000,000
Airline Desk Agent	Attestation of a negative COVID–19 test/Documentation indicating clearance for travel by a licensed healthcare provider or public health official.	34,000,000	1	5/60	2,833,333
Traveler	Request Exemption on Urgent Humanitarian Basis.	5,200	1	2	10,400
Total					70,843,733

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02951 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21CM; Docket No. CDC–2021–0009]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Center for Health Statistics' Research and Development Survey (RANDS) during COVID–19—Round 3. The Research and Development Survey (RANDS) is designed to quickly obtain and disseminate information about selected population health characteristics during the ongoing coronavirus pandemic, and to provide documentation supporting the validity of pandemic-related survey questions, including questions, such as those on telehealth access and use, that will continue to be important for public health after the pandemic.

DATES: Written comments must be received on or before April 13, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0009 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
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.
5. Assess information collection costs.

Proposed Project

National Center for Health Statistics Research and Development Survey (RANDS) during COVID–19 (Round 3)—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Health Statistics (NCHS) has submitted a six-month OMB emergency clearance for a Research and Development Survey (RANDS) COVID–19 related data collection. Since COVID–19 has resulted in a public health crisis, this information collection requests approval to conduct a follow-on survey (Round 3) to the previously completed rounds of RANDS. Similar to the previous two rounds of RANDS completed during COVID–19, this information collection will use NORC's AmeriSpeak Panel as its sample source.

The RANDS COVID–19 (Round 3) collection will be used for the purpose of continuing NCHS' developmental survey methods and will generate data that can help explain health-related experiences of the United States population during this period. The data collection includes not only a research component, but will also contribute to CDC's ongoing surveillance of the COVID–19 pandemic. Given the current outbreak and the resulting limitations placed on NCHS' other data collections, RANDS will provide NCHS and CDC with early estimates of COVID–19-related concepts. The questionnaire will cover areas such as general health, psychological distress, chronic conditions, health behaviors, the outbreak's effects on healthcare access, loss of work due to illness with COVID–19, telemedicine access and use, and other health and behavioral aspects related to the epidemic. CDC requests approval for an estimated 1,734 burden hours over the course of the six-month approval. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Types of respondents	Form name	Number of participants	Number of responses/ participant	Average hours per response	Response burden (in hours)
Individuals or households	RANDS–COVID–19 Round 3	5,200	1	20/60	1,734
Total		5,200			1,734

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02950 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–0840 Docket No. CDC–2021–0010]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''NCHHSTP Generic Clearance Formative Research and Tool Development''. This information collection request is designed to allow CDC's National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP) to conduct formative research information collection activities used to inform many aspects of surveillance, communications, health promotion, and research project development for NCHHSTP's four priority diseases (HIV/AIDS), sexually transmitted diseases/infections (STD/STI), viral hepatitis, tuberculosis elimination (TB), and school and adolescent health (DASH).

DATES: CDC must receive written comments on or before April 13, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0010 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
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.

5. Assess information collection costs.

Proposed Project

NCHHSTP Generic Clearance Formative Research and Tool Development (OMB Control No. 0920–0840, Exp. 10/31/2021)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP) requests approval for an extension and a three year approval for the previously approved Generic Clearance, ''Formative Research and Tool Development''. This information collection request is designed to allow NCHHSTP to conduct formative research information collection activities used to inform many aspects of surveillance, communications, health promotion, and research project development for NCHHSTP's four priority diseases (HIV/AIDS, sexually transmitted diseases/infections (STD/STI), viral hepatitis, tuberculosis elimination and the Division of School and Adolescent Heath (DASH). Formative research is the basis for developing effective strategies including communication channels, for influencing behavior change. It helps researchers identify and understand the characteristics—interests, behaviors and needs—of target populations that influence their decisions and actions.

Formative research is integral in developing programs as well as improving existing and ongoing programs. Formative research also looks at the community in which a public health intervention is being or will be implemented and helps the project staff understand the interests, attributes and needs of different populations and persons in that community. Formative research is research that occurs before a program is designed and implemented, or while a program is being conducted. NCHHSTP formative research is necessary for developing new programs or adapting programs that deal with the complexity of behaviors, social context, cultural identities, and health care that underlie the epidemiology of HIV/AIDS, viral hepatitis, STDs, and TB in the U.S., as well as for school and adolescent health.

CDC conducts formative research to develop public-sensitive communication messages and user friendly tools prior to developing or recommending interventions, or care. Sometimes these studies are entirely behavioral but most often they are cycles of interviews and focus groups designed to inform the development of a product. Products from these formative research studies will be used for prevention of HIV/AIDS, Sexually Transmitted Infections (STI), viral Hepatitis, and Tuberculosis. Findings from these studies may also be presented as evidence to disease-specific National Advisory Committees, to support revisions to recommended prevention and intervention methods, as well as new recommendations.

Much of CDC's health communication takes place within campaigns that have lengthy planning periods—timeframes that accommodate the standard Federal process for approving data collections. Short term qualitative interviewing and cognitive research techniques have previously proven invaluable in the development of scientifically valid and population-appropriate methods, interventions, and instruments.

This request includes studies investigating the utility and acceptability of proposed sampling and recruitment methods, intervention contents and delivery, questionnaire domains, individual questions, and interactions with project staff or electronic data collection equipment. These activities will also provide information about how respondents answer questions and ways in which question response bias and error can be reduced.

This request also includes collection of information from public health programs to assess needs related to initiation of a new program activity or expansion or changes in scope or implementation of existing program activities to adapt them to current needs. The information collected will be used to advise programs and provide capacity-building assistance tailored to identified needs. Overall, these development activities are intended to provide information that will increase the success of the surveillance or research projects through increasing response rates and decreasing response error, thereby decreasing future data collection burden to the public. The studies that will be covered under this request will include one or more of the following investigational modalities: (1) Structured and qualitative interviewing for surveillance, research, interventions and material development, (2) cognitive interviewing for development of specific data collection instruments, (3) methodological research (4) usability testing of technology-based instruments and materials, (5) field testing of new methodologies and materials, (6) investigation of mental models for health decision-making, to inform health communication messages, and (7) organizational needs assessments to support development of capacity.

Respondents who will participate in individual and group interviews (qualitative, cognitive, and computer assisted development activities) are selected purposively from those who respond to recruitment advertisements. In addition to utilizing advertisements for recruitment, respondents who will participate in research on survey methods may be selected purposively or systematically from within an ongoing surveillance or research project. Participation by respondents is voluntary. There is no cost to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
General public and health care providers.	Screener	81,200	1	10/60	13,533
General public and health care providers.	Consent Forms	40,600	1	5/60	3,383
General public and health care providers.	Individual Interview	6,600	1	1	6,600
General public and health care providers.	Focus Group Interview	4,000	1	2	8,000

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
General public and health care providers.	Survey of Individual	30,000	1	30/60	15,000
Total					46,516

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–02952 Filed 2–11–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10518 and CMS–10340]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 13, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10518 Application for Participation in the Intravenous Immune Globulin (IVIG) Demonstration

CMS–10340 Collection of Encounter Data from MA Organizations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Application for Participation in the Intravenous Immune Globulin (IVIG) Demonstration; *Use:* Traditional fee-for-service (FFS) Medicare covers some or all components of home infusion services depending on the circumstances. By special statutory provision, Medicare Part B covers intravenous immune globulin (IVIG) for persons with primary immune deficiency disease (PIDD) who wish to receive the drug at home. However, Medicare does not separately pay for any services or supplies to administer it if the person is not homebound and otherwise receiving services under a Medicare Home Health episode of care. As a result, many beneficiaries have chosen to receive the drug at their doctor's office or in an outpatient hospital setting.

The Medicare IVIG Demonstration application requests basic demographic information necessary to determine eligibility for participation in the demonstration. This information is used by CMS' implementation support contractor to determine eligibility for the demonstration and to set up a demonstration eligibility record that is used by the Medicare claims system when processing claims for demonstration services.

The application also includes some questions about how and where the beneficiary is currently receiving immunoglobulin and related services. This data is being used by the evaluation contractor to conduct its evaluation and to better understand

which beneficiaries are electing to enroll in the demonstration. *Form Number:* CMS–10518 (OMB control number: 0938–1246); *Frequency:* Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 6,500; *Total Annual Responses:* 6,500; *Total Annual Hours:* 1,625. (For policy questions regarding this collection contact Debra K. Gillespie at 410–786–4631.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Collection of Encounter Data from MA Organizations; *Use:* Section 1853(a)(3)(B) of the Act directs CMS to require MA organizations and eligible organizations with risk-sharing contracts under 1876 to ''submit data regarding inpatient hospital services . . . and data regarding other services and other information as the Secretary deems necessary'' in order to implement a methodology for ''risk adjusting'' payments made to MA organizations and other entities. Risk adjustments to enrollee monthly payments are made in order to take into account ''variations in per capita costs based on [the] health status'' of the Medicare beneficiaries enrolled in an MA plan.

CMS collects encounter data for beneficiaries enrolled in MA organizations, section 1876 Cost Health Maintenance Organizations (HMOs)/ Competitive Medical Plans (CMPs), Programs of All-inclusive Care for the Elderly (PACE) organizations, and MMPs. For PACE organizations and MMPs, encounter data serves essentially the same purposes as it does for the MA program (for Part C and Part D risk adjustment). To 1876 Cost Plans that offer Part D coverage, CMS makes risk adjusted, capitated monthly payments for Part D.

MA organizations, Part D organizations, 1876 Cost Plans, MMPs and PACE organizations must use a CMS approved Network Service Vendor to establish connectivity with the CMS secure network for operational purposes. Once connectivity is established, these entities must submit required documents to CMS's front-end contractor to obtain security access credentials. *Form Number:* CMS–10340 (OMB control number: 0938–1152); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 733; *Total Annual Responses:* 1,068,204,429; *Total Annual Hours:* 35,618,366. (For policy questions regarding this collection contact Michael P. Massimini at 410–786–1560.)

Dated: February 9, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–02944 Filed 2–11–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–18F5, CMS–10307, CMS–10495 and CMS–10454]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *March 15, 2021.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Application for Enrollment in Medicare Part A internet Claim (iClaim) Application Screen Modernized Claims System and Consolidated Claim Experience Screens; *Use:* Individuals who are already entitled to retirement or disability benefits under Social Security or Railroad Retirement Board (RRB) benefits are automatically entitled to premium-free Medicare Hospital Insurance (Part A) when they attain age 65 or reach the 25th month of disability benefit entitlement. These individuals do not file a separate application for Medicare Part A because their application for Social Security or RRB benefits is also an application for Part A. The form is for individuals who are not eligible for Social Security for RRB benefits, but may qualify for premium-free Medicare Part A based on certain requirements outlined in § 406.11 and 406.15 or for certain disabled individuals who may enroll in premium Medicare Part A based on certain requirements outlined in § 406.20. Individuals may also choose to enroll in

Medicare Part B at the same time they apply for Medicare Part A.

The Application for Enrollment in Medicare Part A (CMS–18F5 and CMS–18F5–SP) was designed to capture all the information needed to make a determination of an individual's entitlement to Part A. This Information Collection Request (ICR) adds the collection instruments SSA uses to collect information from individuals who are filing an Application for Hospital Insurance, updates the burden information. CMS will begin reporting for additional collection instruments, including the internet Claim System (iClaim), Modernized Claims System (MCS), and the Consolidated Claims Experience (CCE). *Form Number:* CMS–18F5 (OMB control number: 0938–0251); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 1,394,264; *Total Annual Responses:* 1,394,264; *Total Annual Hours:* 348,566. (For policy questions regarding this collection contact Carla Patterson at 410–786–1000.)

2. *Type of Information Collection Request:* Extension; *Title of Information Collection:* Medical Necessity and Claims Denial Disclosures under MHPAEA; *Use:* The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110–343) generally requires that group health plans and group health insurance issuers offering mental health or substance use disorder (MH/SUD) benefits in addition to medical and surgical (med/surg) benefits ensure that they do not apply any more restrictive financial requirements (*e.g.,* co-pays, deductibles) and/or treatment limitations (*e.g.,* visit limits) to MH/SUD benefits than those requirements and/or limitations applied to substantially all med/surg benefits.

The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, was enacted on March 30, 2010, collectively known as the ''Affordable Care Act.'' The Affordable Care Act extended MHPAEA to apply to the individual health insurance market. Additionally, the Department of Health and Human Services (HHS) final regulation regarding essential health benefits (EHB) requires health insurance issuers offering non-grandfathered health insurance coverage in the individual and small group markets, through an Exchange or outside of an Exchange, to comply with the requirements of the MHPAEA regulations in order to satisfy the requirement to cover EHB (45 CFR 147.150 and 156.115).

MHPAEA section 512(b) specifically amends the Public Health Service (PHS) Act to require plan administrators or health insurance issuers to provide, upon request, the criteria for medical necessity determinations made with respect to MH/SUD benefits to current or potential participants, beneficiaries, or contracting providers. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 set forth rules for providing criteria for medical necessity determinations. CMS oversees non-Federal governmental plans and health insurance issuers.

MHPAEA section 512(b) specifically amends the PHS Act to require plan administrators or health insurance issuers to supply, upon request, the reason for any denial or reimbursement of payment for MH/SUD services to the participant or beneficiary involved in the case. The Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (75 FR 5410, February 2, 2010) and the Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 implement 45 CFR 146.136(d)(2), which sets forth rules for providing reasons for claims denial. CMS oversees non-Federal governmental plans and health insurance issuers, and the regulation provides a safe harbor such that non-Federal governmental plans (and issuers offering coverage in connection with such plans) are deemed to comply with requirements of paragraph (d)(2) of 45 CFR 146.136 if they provide the reason for claims denial in a form and manner consistent with ERISA requirements found in 29 CFR 2560.503–1. Section 146.136(d)(3) of the final rule clarifies that PHS Act section 2719 governing internal claims and appeals and external review as implemented by 45 CFR 147.136, covers MHPAEA claims denials and requires that, when a non-quantitative treatment limitation (NQTL) is the basis for a claims denial, that a non-grandfathered plan or issuer must provide the processes, strategies, evidentiary standard, and other factors used in developing and applying the NQTL with respect to med/surg benefits and MH/SUD benefits.

Group health plan participants, beneficiaries, covered individuals in the individual market, or persons acting on their behalf, may use this optional model form to request information from plans regarding NQTLs that may affect patients' MH/SUD benefits or that may have resulted in their coverage being denied. *Form Number:* CMS–10307 (OMB control number: 0938–1080); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector, Individuals; *Number of Respondents:* 250,137; *Total Annual Responses:* 987,714; *Total Annual Hours:* 35,475. (For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.)

3. *Type of Information Collection Request:* Extension; *Title of Information Collection:* Data Collection and Submission, Registration, Attestation, Dispute and Resolution, Record Retention, and Assumptions Document Submission, for Open Payments; *Use:* Section 6002 of the Affordable Care Act added section 1128G to the Social Security Act (the Act), which requires applicable manufacturers of covered drugs, devices, biologicals, or medical supplies (as defined at 42 CFR 403.902) to report annually to the Secretary certain payments or other transfers of value to covered recipients. Section 1128G of the Act also requires applicable manufacturers and applicable group purchasing organizations (GPOs) to report certain information regarding the ownership or investment interests held by physicians or the immediate family members of physicians in such entities.

Specifically, manufacturers of covered drugs, devices, biologicals, and medical supplies (applicable manufacturers) are required to submit on an annual basis the information required in section 1128G(a)(1) of the Act about certain payments or other transfers of value made to covered recipients during the course of the preceding calendar year. Similarly, section 1128G(a)(2) of the Act requires applicable manufacturers and applicable GPOs to disclose any ownership or investment interests in such entities held by physicians or their immediate family members, as well as information on any payments or other transfers of value provided to such physician owners or investors. *Form Number:* CMS–10495 (OMB control number: 0938–1237); *Frequency:* Once; *Affected Public:* Private sector; Business or other for-profits; *Number of Respondents:* 34,616; *Total Annual Responses:* 78,812; *Total Annual Hours:* 1,897,790. (For policy questions regarding this collection contact Kathleen Ott 410–786–4246.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of*

Information Collection: Disclosure of State Rating Requirements; *Use:* The final rule ''Patient Protection and Affordable Care Act; Health Insurance Market Rules; Rate Review'' implements sections 2701, 2702, and 2703 of the Public Health Service Act (PHS Act), as added and amended by the Affordable Care Act, and sections 1302(e) and 1312(c) of the Affordable Care Act. The rule directs that states submit to CMS certain information about state rating and risk pooling requirements for their individual, small group, and large group markets, as applicable. Specifically, states will inform CMS of age rating ratios that are narrower than 3:1 for adults; tobacco use rating ratios that are narrower than 1.5:1; a state-established uniform age curve; geographic rating areas; whether premiums in the small and large group market are required to be based on average enrollee amounts (also known as composite premiums); and, in states that do not permit any rating variation based on age or tobacco use, uniform family tier structures and corresponding multipliers. In addition, states that elect to merge their individual and small group market risk pools into a combined pool will notify CMS of such election. This information will allow CMS to determine whether state-specific rules apply or Federal default rules apply. It will also support the accuracy of the federal risk adjustment methodology. *Form Number:* CMS–10454 (OMB control number: 0938–1258); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 3; *Total Annual Responses:* 3; *Total Annual Hours:* 17. (For policy questions regarding this collection contact Russell Tipps at 301–869–3502.)

Dated: February 9, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–02941 Filed 2–11–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Expedited OMB Review and Public Comment: Planned Use of Child Care and Development Fund Coronavirus Response and Relief Supplemental Appropriations Act, 2021 Funds Report

AGENCY: Office of Child Care, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Office of Child Care (OCC), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting expedited review of an information collection request from the Office of Management and Budget (OMB). This information collection requires states, territories, and tribes to submit a one-time report summarizing their plans for using supplemental Child Care and Development Fund (CCDF) appropriations provided by the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA). Emergency approval is requested in order to meet the new statutory deadline required by CRRSA.

ADDRESSES: Copies of the collection of information can be obtained from, and written comments and recommendations related to this information collection may be submitted to, *infocollection@acf.hhs.gov.* All correspondence should identify the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF is requesting that OMB grant a 60-day approval for this request under procedures for expedited processing. The information collection is to meet the requirement in CRRSA for states, territories, and tribes to report to the Secretary of the Department of Health and Human Services how they plan to spend supplemental CCDF appropriations to prevent, prepare for, and respond to the Coronavirus. States, territories, and tribes receiving these funds will submit a letter to the Director of OCC describing how they plan to spend funds based on the recommendations included in CRRSA. This is a one-time report.

Respondents: All state, territory, and tribal CCDF lead agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Planned Use of CCDF CRRSA Funds Report	321	1	2	642

Estimated Total Annual Burden Hours: 642.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Division M, Title III, Pub. L. 116–260.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–02871 Filed 2–9–21; 11:15 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Indigenous Innovation and Health Equity Supporting Native Hawaiian and Pacific Islander and American Indian/Alaska Native Populations

AGENCY: Office of Minority Health, U.S. Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The U.S. Department of Health and Human Services (HHS) Office of Minority Health (OMH) seeks input from Native Hawaiian and Pacific Islander (NHPI) communities and NHPI

serving organizations to guide the development of a new Center for Indigenous Innovation and Health Equity (Center). This is NOT a solicitation for proposals or proposal abstracts.

Please Note: This request for information (RFI) is for planning purposes only. It is not a notice for a proposal and does not commit the federal Government to issue a solicitation, make an award, or pay any costs associated with responding to this announcement. All submitted information shall remain with the federal government and will not be returned. All responses will become part of the public record and will not be held confidential. The Federal Government reserves the right to use information provided by respondents for purposes deemed necessary and legally appropriate. Respondents are advised that the Federal Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. Responses will not be accepted after the due date. After a review of the responses received, a notice of funding opportunity or pre-solicitation synopsis and solicitation may be published.

A separate RFI exists to solicit feedback from American Indian/Alaska Native (AI/AN) tribes and tribal organizations.

DATES: To be assured consideration, written comments must be submitted and received at the address provided below, no later than 11:59 p.m. on March 14, 2021.

ADDRESSES: OMH, invites the submission of the requested information through one of the following methods:

- *Preferred method:* Submit information through the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submissions.
- *Email:* Send comments to *Paul.Rodriguez@hhs.gov* with the subject line ''OMH: NHPI RFI: Center for Indigenous Innovation and Health Equity.''

Submissions received after the deadline will not be reviewed. Respond concisely and in plain language. You may use any structure or layout that presents your information well. You may respond to some or all of our questions, and you can suggest other factors or relevant questions. You may also include links to online material or interactive presentations. Clearly mark any proprietary information and place it in its own section or file. Your response will become government property, and we may publish some of its non-proprietary content.

FOR FURTHER INFORMATION CONTACT: Paul Rodriguez, 1101 Wootton Parkway, Suite 100, Rockville, MD 20852, (240) 453–8208, *Paul.Rodriguez@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

The Office of Minority Health

Authorized under Section 1707 of the Public Health Service Act, 42 U.S.C. 300u–6, as amended, the mission of the OMH is to improve the health of racial and ethnic minority populations through the development of health policies and programs that help eliminate health disparities. OMH awards and other activities are intended to support the identification of effective policies, programs and practices for improving health outcomes and to promote sustainability and dissemination of these approaches.

Under the authority of Public Law 116–260 (2021 Consolidated Appropriations Act), Congress called for the creation of a Center for Indigenous Innovation and Health Equity to support efforts including research, education, service, and policy development related to advancing Indigenous solutions to decrease health disparities in AI/AN and NHPI populations.

Background

NHPIs experience persistent health disparities, including higher rates of diabetes, high blood pressure, and obesity compared to the white population.[1] Identification and awareness of health outcomes and health determinants are essential steps towards reducing health disparities in minority communities at greatest risk.[2 3] Research has shown that community-driven interventions have a positive impact on health outcomes.[4]

Program Information

The purpose of this initiative is to create a Center for Indigenous Innovation and Health Equity (Center) to provide services for American Indian and Alaska Native and Native Hawaiian and Pacific Islander populations that draws on deeply-rooted indigenous values and practices.

The Center should serve as a coordinating entity that will partner with accredited academic institutions with a focus on Indigenous health research, policy and innovation among AI/AN and NHPI populations. The Center will serve to build capacity and to support efforts including research, education, service, and policy development related to advancing Indigenous solutions. Work in these areas will increase the capacity to identify and address health disparities in AI/AN and NHPI communities. The Center is highly encouraged to engage Indigenous leaders and community partners to address AI/AN and NHPI health disparities focus areas that align with their goals and priorities. The Center is expected to use a dual track approach to address each populations' needs and tailor indigenous knowledge and practice specific to the AI/AN and NPHI populations. Each track will be parallel and complementary, both rooted in indigenous values and practices appropriate to each population.

The Center's objectives may include:

- Create an indigenous public health agenda focused on research needs, education, services, and health policies to address AI/AN and NHPI health disparities.
- Serve as a resource to support the development, implementation, evaluation, dissemination, and translation of evidenced-based public health interventions in AI/AN and NHPI communities.
- Partner with academic institutions and Indigenous leaders and community partners in health disparities focus areas.
- Train AI/AN and NHPI public health, medical practitioners, students and multi-sector partners.

The Center's outcomes may include:

- Expand community capacity and knowledge to develop evidence based program solutions, best practices and policies that address health disparities in AI/AN and NHPI population.
- Increase utilizations of effective strategies and tools to improve and reduce AI/AN and NHPI health disparities.
- Contribute to improved AI/AN and NHPI health, elimination of health disparities, and achievement of health equity.

II. Request for Information

Through this RFI, OMH is seeking information from Native Hawaiian and Pacific Islander communities and Native

[1] Wu, Samuel, and Alexis Bakos. ''The Native Hawaiian and Pacific Islander National Health Interview Survey: Data Collection in Small Populations.'' Public Health Reports, vol. 132, No. 6, Nov. 2017, pp. 606–608, doi:10.1177/0033354917729181.

[2] Centers for Disease Control and Prevention. CDC Health Disparities and Inequalities Report—United States, 2013. MMWR 2013;62 (Suppl 3). Retrieved December 7, 2020 from *https://www.cdc.gov/mmwr/pdf/other/su6203.pdf.*

[3] *https://health.gov/healthypeople/objectives-and-data/social-determinants-health.*

[4] O'Mara-Eves A., Brunton G., Oliver S., Kavanagh J., Jamal F., Thomas J. The effectiveness of community engagement in public health interventions for disadvantaged groups: A meta-analysis. BMC Public Health. 2015;15: 129. Published 2015 Feb 12. doi:10.1186/s12889–015–1352–y.

Hawaiian and Pacific Islander-serving organizations.

A separate RFI exists to solicit feedback from Federally-recognized Indian Tribes/American Indian and Alaska Native (AI/AN) Tribes, Tribal organizations, Tribal-serving organizations, Tribal Colleges and Universities, and AI/AN-serving institutions of higher education.

III. Questions

- How might the proposed Center objectives and outcomes listed above meet the needs of NHPI populations?
- What is the recommended composition and governance infrastructure for the Center?
- Are there specific focus areas and activities this center should address?

Dated: February 9, 2021.

Paul Rodriguez,

Senior Advisor for Operations, Office of Minority Health.

[FR Doc. 2021–02947 Filed 2–11–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the COVID–19 Health Equity Task Force

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the COVID–19 Health Equity Task Force (Task Force) will hold a virtual meeting on February 26, 2021. The purpose of this meeting is to introduce Task Force members and to outline the charges as directed by Executive Order 13995, *Ensuring an Equitable Pandemic Response and Recovery.* This meeting is open to the public. Pre-registration is encouraged for members of the public who wish to attend the meeting and who wish to participate in the public comment session. Information about the meeting will be posted on the HHS Office of Minority Health website: *https://minorityhealth.hhs.gov/* prior to the meeting. Pre-registration for the meeting must be completed by 5 p.m. ET, Wednesday, February 24, 2021.

DATES: The Task Force meeting will be held on Friday, February 26, 2021, from 3 p.m. to 5 p.m. ET (times are tentative and subject to change). The confirmed time and agenda will be posted on the HHS Office of Minority Health website: *https://minorityhealth.hhs.gov/* when this information becomes available.

FOR FURTHER INFORMATION CONTACT: Samuel Wu, Designated Federal Officer for the Task Force; Office of Minority Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Suite 100, Rockville, Maryland 20852. Phone: 240–453–6173; email: *COVID19HETF@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: COVID–19 Health Equity Task Force (Task Force) was established by the Executive Order 13995, dated January 21, 2021. The Task Force is tasked with developing a set of recommendations to the President, through the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator) for mitigating the health inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. The Task Force shall submit a final report to the COVID–19 Response Coordinator addressing any ongoing health inequities faced by COVID–19 survivors that may merit a public health response, describing the factors that contributed to disparities in COVID–19 outcomes, and recommending actions to combat such disparities in future pandemic responses.

The meeting is open to the public. Please register for the meeting by sending a request to *COVID19HETF@hhs.gov* by 5:00 p.m. ET on February 24, 2021. After registering, you will receive an email confirmation with a link to access the webcast. Members of the public will have the opportunity to provide comments during the meeting. Comments will be limited to no more than three minutes per speaker. Any individual who wishes to participate in the public comment session must register by sending a request to: *COVID19HETF@hhs.gov* by close of business on February 24, 2021. Please provide name, affiliation, phone number, and email address. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute-taking purposes. Comments should be pertinent to the meeting discussion. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact: *COVID19HETF@hhs.gov* and reference this meeting. Requests for special accommodations should be made at least ten (10) business days prior to the meeting.

Dated: February 9, 2021.

Samuel Wu,

Designated Federal Officer, COVID–19 Health Equity Task Force.

[FR Doc. 2021–02892 Filed 2–11–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Indigenous Innovation and Health Equity Supporting Native Hawaiian and Pacific Islander and American Indian/Alaska Native Populations

AGENCY: Office of Minority Health, U.S. Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The U.S. Department of Health and Human Services (HHS) Office of Minority Health (OMH) seeks input from Federally-recognized Indian Tribes/American Indian and Alaska Native (AI/AN) Tribes, Tribal organizations, Tribal-serving organizations, Tribal Colleges and Universities, and AI/AN—serving institutions of higher education to guide the development of a new Center for Indigenous Innovation and Health Equity (Center). This is NOT a solicitation for proposals or proposal abstracts.

Please Note: This request is for information (RFI) is for planning purposes only. It is not a notice for a proposal and does not commit the federal government to issue a solicitation, make an award, or pay any costs associated with responding to this announcement. All submitted information shall remain with the federal government and will not be returned. All responses will become part of the public record and will not be held confidential. The Federal Government reserves the right to use information provided by respondents for purpose deemed necessary and legally appropriate. Respondents are advised that the Federal Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. Responses will not be accepted after the due date. After a review of the responses received, a notice of funding opportunity or pre-solicitation synopsis and solicitation may be published.

A separate RFI exists to solicit feedback from Native Hawaiian and Pacific Island (NHPI) communities.

DATES: To be assured consideration, written comments must be submitted and received at the address provided below, no later than 11:59 p.m. on March 14, 2021.

ADDRESSES: OMH invites the submission of the requested information through one of the following methods:

• *Preferred method:* Submit information through the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submissions.

• *Email:* Send comments to *Paul.Rodriguez@hhs.gov* with the subject line ''OMH AI/AN RFI: Center for Indigenous Innovation and Health Equity.''

Submissions received after the deadline will not be reviewed. Respond concisely and in plain language. You may use any structure or layout that presents your information well. You may respond to some or all of our questions, and you can suggest other factors or relevant questions. You may also include links to online material or interactive presentations. Clearly mark any proprietary information and place it in its own section or file. Your response will become government property, and we may publish some of its non-proprietary content.

FOR FURTHER INFORMATION CONTACT: Paul Rodriguez, 1101 Wootton Parkway, Suite 100, Rockville, MD 20852, (240) 453–8208, *Paul.Rodriguez@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

The Office of Minority Health

Authorized under Section 1707 of the Public Health Service Act, 42 U.S.C. 300u–6, as amended, the mission of OMH is to improve the health of racial and ethnic minority populations through the development of health policies and programs that help eliminate health disparities. OMH awards and other activities are intended to support the identification of effective policies, programs and practices for improving health outcomes and to promote sustainability and dissemination of these approaches.

Under the authority of Public Law 116–260 (2021 Consolidated Appropriations Act), Congress called for the creation of a Center for Indigenous Innovation and Health Equity to support efforts including research, education, service, and policy development related to advancing Indigenous solutions to decrease health disparities in the AI/AN and NHPI populations.

Background

Heath disparities in the AI/AN population in the United States include higher rates of chronic diseases, unintentional injuries and premature deaths. The average life expectancy for an AI/AN born today would be 4.4 fewer years than for an individual of any other race. Empirical evidence indicates that many factors influence health, and the strongest predictors of chronic disease, unintentional injury, and premature death are linked to the social determinants of health in AI/AN communities.

Identification and awareness of health outcomes and health determinants in AI/AN populations are essential steps towards reducing health disparities.[1] Research has shown that community-driven interventions have a positive impact on health outcomes.[2]

Program Information

The purpose of this initiative is to create a Center for Indigenous Innovation and Health Equity (Center) to provide services for American Indian and Alaska Native and Native Hawaiian and Pacific Islander populations that draws on deeply-rooted indigenous values and practices.

The Center should serve as a coordinating entity that will partner with accredited academic institutions with a focus on Indigenous health research, policy and innovation among AI/AN and NHPI populations. The Center will serve to build capacity and to support efforts including research, education, service, and policy development related to advancing Indigenous solutions. Work in these areas will increase the capacity to identify and address health disparities in AI/AN and NHPI communities. The Center is highly encouraged to engage Indigenous leaders and community partners to address AI/AN and NHPI health disparities focus areas that align with their goals and priorities. The Center is expected to use a dual track approach to address each populations' needs and tailor indigenous knowledge and practice specific to the AI/AN and NPHI populations. Each track will be parallel and complementary, both rooted in indigenous values and practices appropriate to each population.

The Center's objectives may include:

• Create an indigenous public health agenda focused on research needs, education, services, and health policies to address AI/AN and NHPI health disparities.

• Serve as a resource to support the development, implementation, evaluation, dissemination, and translation of evidence-based public health interventions in AI/AN and NHPI communities.

• Partner with academic institutions and Indigenous leaders and community partners in health disparities focus areas.

• Train AI/AN and NHPI public health, medical practitioners, students and multi-sector partners.

The Center's outcomes may include:

• Expand community capacity and knowledge to develop evidence-based program solutions, best practices and policies that address health disparities in AI/AN and NHPI populations.

• Increase utilizations of effective strategies and tools to improve and reduce AI/AN and NHPI health disparities.

• Contribute to improved AI/AN and NHPI health, elimination of health disparities, and achievement of health equity.

II. Request for Information

Through this RFI, OMH is seeking information from the following entities:

Federally-recognized Indian Tribes/American Indian and Alaska Native (AI/AN) Tribes, Tribal organizations, Tribal-serving organizations, Tribal Colleges and Universities, and AI/AN-serving institutions of higher education.

A separate RFI exists to solicit feedback from Native Hawaiian and Pacific Islander (NHPI) communities.

III. Questions

• How might the proposed Center objectives and outcomes listed above meet the needs of AI/AN populations?

• What is the recommended composition and governance infrastructure for the Center?

• Are there specific focus areas and activities this center should address?

Dated: February 9, 2021.

Paul Rodriguez,

Senior Advisor for Operations, Office of Minority Health.

[FR Doc. 2021–02953 Filed 2–11–21; 8:45 am]

BILLING CODE 4150–29–P

[1] Centers for Disease Control and Prevention. CDC Health Disparities and Inequalities Report—United States, 2013. MMWR 2013;62 (Suppl 3). Retrieved December 7, 2020 from *https://www.cdc.gov/mmwr/pdf/other/su6203.pdf.*

[2] O'Mara-Eves A., Brunton G., Oliver S., Kavanagh J., Jamal F., Thomas J. The effectiveness of community engagement in public health interventions for disadvantaged groups: A meta-analysis. BMC Public Health. 2015;15:129. Published 2015 Feb 12. doi:10.1186/s12889–015–1352–y.

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; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.
Date: March 11–12, 2021.
Time: 8:30 a.m. to 6:30 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: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, (301) 480–9069, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Aging and Development, Auditory, Vision and Low Vision Technologies.
Date: March 11–12, 2021.
Time: 8:30 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: Barbara Susanne Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *mallonb@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Population and Public Health Approaches to HIV/AIDS Study Section.
Date: March 11–12, 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: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Interdisciplinary Clinical Care in Specialty Care Settings Study Section.
Date: March 11–12, 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: Abu Saleh Mohammad Abdullah, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4043, *abuabdullah.abdullah@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immuno-Oncology Research.
Date: March 11–12, 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: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, (301) 435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling and Biodata Management.
Date: March 11, 2021.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, (301) 379–9351, *allen.richon@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious Diseases Clinical Research and Field Studies.
Date: March 11–12, 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: Tera Bounds, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 613–2822, *boundst@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrumentation.
Date: March 11–12, 2021.
Time: 9:00 a.m. to 6:30 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: Yordan V. Kostov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 867–5309, *kostovyv@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.
Date: March 11, 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: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (240) 519–7808, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders and Related Neurosciences.
Date: March 11–12, 2021.
Time: 9:30 a.m. to 5:00 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: Vilen A. Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, (301) 402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Digestive and Nutrient Physiology and Diseases.
Date: March 11–12, 2021.
Time: 9:30 a.m. to 6:30 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: Aster Juan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 435–5000, *juana2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–20–005: Transformative Research Award for the INCLUDE Project (R01).
Date: March 11, 2021.
Time: 10:00 a.m. to 5:00 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: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Interdisciplinary Clinical Care in Specialty Care Settings.
Date: March 12, 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: Chittari V. Shivakumar, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD

20892, (301) 408–9098, *chittari.shivakumar@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: High Throughput Screening.

Date: March 12, 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: David Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, (301) 435–2902, *filpuladr@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 8, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02915 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Allergy and Asthma Statistical & Clinical Coordinating Center (AA–SCCC).

Date: March 10, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G50, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health 5601 Fishers Lane, Room 3G50 Rockville, MD 20852, (240) 669–5070, *rosenthalla@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 8, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02916 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Innovative Programs to Enhance Research Training (IPERT) Applications.

Date: March 19, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Video Meeting).

Contact Person: Rebecca H. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, 45 Center Drive, Bethesda, MD 20892, 301–594–2771, *johnsonrh@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 8, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02844 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; AD Model.

Date: March 9, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–496–9667, *nijaguna.prasad@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 8, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02843 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; KUH RC2 applications.

Date: March 31, 2021.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7015, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 8, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02841 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA DK20–024: NIDDK Catalyst Award (DP–1).

Date: May 18, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7349, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 8, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02842 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; 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 following meeting.

The meeting will be open to the public as indicated below, the 92nd meeting of the National Advisory Council for Human Genome Research open session will be livestreamed and available for viewing to the public on *Genome.gov* and across NHGRI social media platforms. The open session will be on February 22nd and the start time will be 11:30 a.m.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: February 22–23, 2021.

Closed: February 22, 2021, 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700–B Rockledge Drive, Suite 1100, Bethesda, MD 20892 (Virtual Meeting).

Open: February 22, 2021, 11:30 a.m. to 6:00 p.m.

Agenda: Report from Institute Director and Reports from Program Staff.

Place: National Human Genome Research Institute, National Institutes of Health, 6700–B Rockledge Drive, Suite 1100, Bethesda, MD 20892 (Virtual Meeting).

Closed: February 23, 2021, 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, 6700–B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.genome.gov/council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 8, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–02917 Filed 2–11–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council; Meeting

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Committee management; notice of Federal Advisory Committee meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will hold a virtual meeting on Monday, March 1, 2021, and Tuesday, March 2, 2021. The meeting will be open to the public via a Zoom Video Communications link.

DATES: The TMAC will meet on Monday, March 1, 2021, and Tuesday, March 2, 2021 from 10 a.m. to 4 p.m. Eastern Time (ET). Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held virtually using the following Zoom Video Communications link (*https://fema.zoomgov.com/j/16195624614*) and password (875873) to share meeting visuals and audio. Audio is also accessible using a Zoom call in number (1–669–254–5252) along with the Meeting Identification (16195624614) and password. Members of the public who wish to attend the virtual meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (Attention: Brian Koper) by 5 p.m. ET on Friday, February 26, 2021. For information on services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** caption below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** caption below. Associated meeting materials will be available at the TMAC website (*https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council)* for review by Friday, February 26, 2021. Written comments to be considered by the committee at the time of the meeting must be submitted and received by Friday, February 26, 2021, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email to *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact information in the body of the email.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on Monday, March 1, 2021 from 12 p.m. to 12:30 p.m. ET and Tuesday, March 2, 2021 from 12 p.m. to 12:30 p.m. ET. The public comment period will not exceed 30 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Friday, February 26, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Koper, Designated Federal Officer for the TMAC, FEMA, 400 C Street SW, Washington, DC 20024, 202–646–3085, *brian.koper@fema.dhs.gov.* The TMAC website is: *https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. App. (Pub. L. 92–463).

In accordance with the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5)(a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

Agenda: The purpose of this meeting is for the TMAC members to hold a vote to submit the final report to the FEMA Administrator, introduce 2021 TMAC tasking, and vote to appoint a new chair for 2021. Any related materials will be posted to the FEMA TMAC site prior to the meeting to provide the public an opportunity to review the materials. The full agenda and related meeting materials will be posted for review by Friday, February 26, 2021 at *https://www.fema.gov/flood-maps/guidance-partners/technical-mapping-advisory-council.*

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency.

[FR Doc. 2021–02870 Filed 2–11–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One Current Public Collection of Information: Screening Partnership Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0064, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves an application completed by airport operators desiring to opt-out of passenger and baggage security screening performed by federal employees, preferring a qualified private

screening company to perform security screening functions under a contract entered into with TSA.

DATES: Send your comments by April 13, 2021.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

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

(2) Evaluate the accuracy of the agency's estimate of the burden;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0064; Screening Partnership Program (SPP). TSA's SPP (codified as amended at 49 U.S.C. 44920) [1] enables commercial airport operators to apply for a qualified private screening company, under contract with TSA, to provide passenger and baggage security screening services, rather than Federal employees. An authorized representative of the airport operator or airport owner submits a copy of the SPP application to the airport's TSA Federal Security Director to begin the application process.

The application process is the initial notification to TSA of an airport operator's desire to opt-out of the security screening provided by TSA Federal employees. The SPP application collects the following from each airport operator seeking to participate in SPP:

- Basic airport information: Airport name, FAA identifier, and airport operating authority.
- Authorized Requestor information: Name, position, primary and alternate phone number, mailing address, and email address.
- An indication of whether or not the airport authority desires to provide its own private security screening services.
- A recommendation on which private screening company should perform the screening function and the basis for the recommendation.
- Information on any major activities scheduled to occur at the airport within the next 18 months that could impact the transition from Federal screening to private screening (for example, major construction).
- Optional information may be provided to support the consideration of their application.

TSA will acknowledge receipt of the application, review for completeness, and provide an official response within 120 days from the date of acknowledgement. The application contains no personally identifiable information, sensitive security information, or classified information, so no special handling or protection is required.

TSA currently has a screening presence at approximately 450 airports, of which 22 airports are participating in SPP. The annual burden for the information collection related to SPP is estimated to be 30 minutes (0.5 hours). While TSA estimates that only two airport operators will respond annually, it is presumed that ten or more airport operators could respond. The agency estimates that each respondent airport operator will spend approximately one-quarter (.25) hour to complete the application for a total burden of one-half hour (0.50 hours). TSA does not require the airport operators to maintain records of the application submission. However, if the airport operator chooses to do so, the burden associated with this action is anticipated to be minimal.

Dated: February 9, 2021.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2021–02929 Filed 2–11–21; 8:45 am]

BILLING CODE 9110–05–P

[1] The Aviation and Transportation Security Act (ATSA), Public Law 107–71, sec. 108 (115 Stat. 597, 611, Nov. 19, 2001).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–06]

60-Day Notice of Proposed Information Collection: Performing Loan Servicing for the Home Equity Conversion Mortgage (HECM) OMB Control No. 2502–0611

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: April 13, 2021.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Performing Loan Servicing for the Home Equity Conversion Mortgage (HECM).

OMB Approval Number: 2502–0611.

Type of Request: Extension.

Form Numbers: HUD–27011, HUD–50002, HUD–50012.

Description of the need for the information and proposed use: This information request is a comprehensive collection of requirements for mortgagees that service HECM mortgages and the HECM borrowers, who are involved with servicing-related activities that includes collection and payment of mortgage insurance premiums, escrow account administration, providing loan information and customer service.

Respondents: Individuals or households and Servicers of HECM Mortgagees.

Estimated Number of Respondents: 10.

Estimated Number of Responses: 21,345,312.

Frequency of Response: On occasion.

Average Hours per Response: 0.07 (4 minutes).

Total Estimated Burdens: 1,451,562.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comments in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Assistant Secretary for Housing—Federal Housing Commissioner, Janet M. Golrick, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Nacheshia Foxx, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Nacheshia Foxx,

Federal Register Liaison for Department of Housing and Urban Development.

[FR Doc. 2021–02852 Filed 2–11–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6246–N–01]

Mortgagee Review Board: Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with Section 202(c)(5) of the National Housing Act, this notice advises of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: Nancy A. Murray, Secretary to the Mortgagee Review Board, 451 Seventh Street SW, Room B–133/3150, Washington, DC 20410–8000; telephone (202) 402–2701 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (12 U.S.C. 1708(c)(5)) requires that HUD ''publish a description of and the cause for administrative action against a HUD-approved mortgagee'' by HUD's Mortgagee Review Board (''Board''). In compliance with the requirements of Section 202(c)(5), this notice advises of actions that have been taken by the Board in its meetings from the beginning of the FY 20 fiscal year, October 1, 2019, through September 30, 2020 where settlement agreements have been reached or notices of administrative actions (withdrawals) have been issued.

I. Civil Money Penalties, Withdrawals of FHA Approval, Suspensions, Probations, and Reprimands

1. 1st Financial Inc., Millersville, MD [Docket No. 19–2038–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with 1st Financial Inc. (''1st Financial'') that included a civil money penalty of $14,819. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: 1st Financial (a) failed to notify HUD of a state sanction during fiscal year 2018; and (b) submitted a false certification to HUD concerning 1st Financial's fiscal year 2018. The settlement does not constitute an admission of liability or fault.

2. A1 Mortgage Group LLC, Lees Summit, MO [Docket No. 18–1908–MR]

Action: On June 26, 2019, the Board voted to withdraw the FHA approval of A1 Mortgage Group LLC (''A1 Mortgage'') for a period of one year.

Cause: The Board took this action based on the following alleged violations of HUD requirements: A1 Mortgage (a) failed to maintain the minimum required adjusted net worth in fiscal year 2017; and (b) submitted a false certification to HUD concerning A1 Mortgage's fiscal year 2017.

3. Access Capital Funding, LLC, Chesterfield, MO [Docket No. 19–2050–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Access Capital Funding, LLC (''Access Capital'') that included a civil money penalty of $5,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Access Capital failed to maintain the minimum required adjusted net worth in fiscal year 2018.

4. Acre Mortgage & Financial Inc., Marlton, NJ [Docket No. 19–1951–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Acre Mortgage & Financial Inc. (''Acre Mortgage'') that included a civil money penalty of $32,123 and the indemnification of two FHA-insured loans that had not yet resulted in an insurance claim with one for a period of five years and the second for the life of the loan. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Acre Mortgage (a) failed to ensure HUD's new construction requirements were met; (b) failed to ensure that HUD's self-employment income requirements were met; (c) failed to maintain the minimum required adjusted net worth in fiscal

year 2018; (d) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018; (e) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; and (f) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

5. American Nationwide Mortgage Company, Inc., Tampa, FL [Docket No. 20–2012–MR]

Action: On September 1, 2020, the Board voted to enter into a settlement agreement with American Nationwide Mortgage Company, Inc. (''American Nationwide'') that included a civil money penalty of $19,468. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: American Nationwide (a) failed to notify HUD of sanctions in fiscal years 2016, 2018, and 2019; and (b) submitted false certifications to HUD concerning American Nationwide's fiscal years 2016 and 2018.

6. Aspire Lending, Dallas, TX [Docket No. 19–2051–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Aspire Lending (''Aspire'') that included a civil money penalty of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Aspire failed to maintain the minimum required adjusted net worth during fiscal year 2018.

7. Atlantic Pacific Mortgage Corporation, Mount Laurel, NJ [Docket No. 19–1950–MR]

Action: On December 17, 2019, the Board voted to withdraw the FHA approval of Atlantic Pacific Mortgage Corporation (''Atlantic Pacific'') for a period of three years and to file a complaint for $99,000 in civil money penalties.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Atlantic Pacific (a) failed to timely submit acceptable audited financial statement(s) and supplementary reports concerning fiscal year 2018; (b) failed to properly calculate the borrowers' debts for three FHA-insured loans; (c) failed to properly calculate the borrowers' income for three FHA-insured loans; (d) failed to properly document the source/adequacy of funds used for the down payment or closing costs for one FHA-insured loan; (e) failed to properly document acceptable credit history for one FHA-insured loan; and (f) failed to ensure the property met HUD's minimum property requirements for two FHA-insured loans.

8. Banc of California, NA dba Banc Home Loans, Santa Ana, CA [Docket No. 18–1855–MR]

Action: On July 16, 2020, the Board voted to enter into a settlement agreement with Banc of California that included a civil money penalty of $350,000, the refund to borrowers of improperly assessed fees, the submission of its Quality Control Plan for HUD's review and approval, and the indemnification of FHA-insured loans that had not yet resulted in an insurance claim, ten for a term of five years and fourteen for the life of the respective loan. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Banc of California (a) maintained a Quality Control Plan that failed to meet HUD's requirements; (b) failed to properly document gift funds; (c) failed to accurately calculate, analyze and document borrower income; (d) failed to properly document loan binders; (e) charged borrowers unallowable or excessive fees; (f) endorsed loans late without the required lender certifications; (g) failed to reconcile discrepancies between loan files and data in FHA Connection; (h) maintained case binders with missing, unsigned, or inaccurate Closing Disclosures, HUD–1 Settlement Statements, Settlement Certificates and Addenda to the HUD–1; (i) failed to obtain satisfactory mortgage or rental verification; (j) failed to document verification of borrowers against CAIVRS, the Limited Denial of Participation list and General Services Administration list as required; (k) failed to obtain a current mortgage payoff statement; (l) failed to resolve discrepancies in a borrower's social security number; and (m) failed to retain required forms in the case binder.

9. Bay-Valley Mortgage Group, Garden Grove, CA [Docket No. 20–2004–MR]

Action: On September 1, 2020, the Board voted to enter into a settlement agreement with Bay-Valley Mortgage Group that included a civil money penalty of $9,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Bay-Valley Mortgage Group failed to timely notify HUD of a sanction in fiscal year 2019.

10. BNB Financial Inc., Glendale, CA [Docket No. 20–2006–MR]

Action: On September 1, 2020, the Board voted to enter into a settlement agreement with BNB Financial (''BNB Financial'') that required BNB Financial to pay a civil money penalty in the amount of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: BNB failed to maintain the minimum required adjusted net worth in fiscal year 2019.

11. CBC Mortgage Agency dba Chenoa, South Jordan, UT [Docket No. 20–2043–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with CBC Mortgage Agency (''CBC Mortgage'') that included a civil money penalty of $12,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: CBC Mortgage falsely advertised its down payment assistance program as ''HUD approved.''

12. Centralbanc Mortgage Corporation, Bellevue, WA [Docket No. 20–2010–MR]

Action: On September 1, 2020, the Board voted to enter into a settlement agreement with Centralbanc Mortgage Corporation (''Centralbanc'') that included a civil money penalty of $14,189. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Centralbanc (a) failed to timely notify HUD of a state sanction in its fiscal year 2018; and (b) submitted a false certification to HUD concerning Centralbanc's fiscal year 2018.

13. Columbus Capital Lending, LLC, Miami, FL [Docket No. 19–2032–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Columbus Capital Lending, LLC (''Columbus Capital'') that included a civil money penalty of $10,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Columbus Capital (a) failed to maintain

the minimum required liquid assets in fiscal year 2018; and (b) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018.

14. CommonFund Mortgage Corporation, Syracuse, NY [Docket No. 19–2026–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with CommonFund Mortgage Corporation (''CommonFund'') of payment of civil money penalties of $14,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: CommonFund (a) failed to notify HUD of a sanction in fiscal year 2018; and (b) submitted a false certification to HUD concerning CommonFund's fiscal year 2018.

15. Cooperativa de Ahorro y Credito de Aguada, Aguada, PR [Docket No. 19–2024–MR]

Action: On December 17, 2019, the Board voted to withdraw the FHA approval of Cooperativa de Ahorro y Credito de Aguada for a period of one year.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Cooperativa de Ahorro y Credito de Aguada failed to maintain the minimum required adjusted net worth in fiscal year 2018.

16. Cooperativa de Ahorro y Crédito de Rincón, Rincón, PR [Docket No. 19–2023–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Cooperativa de Ahorro y Credito de Rincón (''Rincón'') that included a civil money penalty of $10,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Rincón (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; and (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018.

17. Credence Funding Corporation, Aberdeen, MD [Docket No. 18–1873–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Credence Funding Corporation that included a civil money penalty of $9,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Credence Funding Corp (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; and (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018.

18. DHA Financial LLC, Greenwood Village, CO [Docket No. 19–1954–MR]

Action: On December 17, 2019, the Board voted to withdraw the FHA approval of DHA Financial LLC (''DHA'') for a period of one year.

Cause: The Board took this action based on the following alleged violations of HUD requirements: DHA (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; and (b) failed to maintain the minimum required adjusted net worth in fiscal year 2019.

19. Directors Mortgage, Inc., Lake Oswego, OR [Docket No. 19–2043–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Directors Mortgage, Inc. that included a civil money penalty of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Directors Mortgage failed to timely notify HUD of a sanction in fiscal year 2018.

20. Dwight Capital LLC, New York, NY [Docket No. 20–2077–MR]

Action: On July 16, 2020, the Board voted to impose a civil money penalty of $1,081,780 against Dwight Capital LLC (''Dwight Capital''), which was included as part of a subsequent settlement agreement along with a requirement that Dwight Capital provide a plan to HUD to address staffing levels in relation to its loan volume. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Dwight Capital (a) promoted an individual to Chief Underwriter without HUD approval, in violation of the MAP Guide; and (b) had two individuals concurrently designated as Chief Underwriter in violation of the MAP Guide.

21. Endeavor Capital, LLC, Chesterfield, MO [Docket No. 19–2008–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Endeavor Capital, LLC (''Endeavor'') that included a civil money penalty payment of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Endeavor failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018.

22. Evesham Mortgage LLC dba 3rd Generation Mortgages, Marlton, NJ [Docket No. 19–1948–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Evesham Mortgage LLC dba 3rd Generation Mortgages (''Evesham'') that included a civil money penalty of $37,872 and the indemnification of four FHA-insured loans that had not yet resulted in an insurance claim, three for a term of five years and the fourth for the life of the loan. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Evesham (a) failed to properly document the source and adequacy of funds used to close an FHA insured loan; (b) failed to properly document a borrower's employment; (c) failed to properly calculate the monthly obligation of a borrower's student loan debt; and (d) failed to document that a borrower met the net self-sufficiency rental income test for a three-unit property.

23. EZ Fundings, Inc., Rancho Cucamonga, CA [Docket No. 19–2052–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with EZ Fundings, Inc. (''EZ Fundings'') that included a civil money penalty of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: EZ Fundings failed to timely notify HUD of a state sanction in fiscal year 2018.

24. Finance of America Reverse, LLC, Tulsa, OK [Docket No. 20–0028–FC]

Action: On January 8, 2020, the Board voted to approve two settlement agreements with Finance of America Reverse, LLC (''FAR'') that included a $500,000 payment to resolve allegations under the Program Fraud Civil

Remedies Act and a $1,970,000 payment to resolve allegations under the False Claims Act. The settlements do not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: A mortgagee for which FAR was the successor-in-interest provided appraisers with information to improperly influence the appraised values of properties that subsequently secured FHA-insured mortgages.

25. Forthright Funding Corporation, Scottsdale, AZ [Docket No. 19–2027–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Forthright Funding Corporation (''Forthright'') that included a civil money penalty of $15,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Forthright (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018; (c) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; and (d) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

26. Geauga Savings Bank, Beachwood, OH [Docket No. 19–2018–MRT]

Action: On June 26, 2019, the Board voted to withdraw the FHA approval of Geauga Savings Bank (''Geauga'') for a period of one year. Geauga appealed the withdrawal and, as part of a settlement, the Board rescinded the Notice of Violation such that HUD imposed neither administrative action nor a civil money penalty against Geauga and Geauga remained an FHA-approved lender. The settlement agreement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Geauga failed to timely meet the requirements for annual recertification of its FHA approval.

27. Global Bancorp dba Versailles Property, Irvine, CA [Docket No. 19–1931–MR]

Action: On December 17, 2019, the Board voted to withdraw Global Bancorp dba Versailles Property (''Global'') for a period of one year. Global appealed the withdrawal, but voluntarily withdrew the appeal on November 12, 2020.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Global (a) failed to maintained the minimum required adjusted net worth in fiscal year 2017; (b) failed to maintained the minimum required adjusted net worth in fiscal year 2018; (c) failed to maintain the minimum required liquid assets in fiscal year 2018; (d) failed to timely report the failure to maintain the required minimum adjusted net worth and liquid assets in fiscal year 2018; and (e) submitted a false certification to HUD concerning Global's fiscal year 2017.

28. Guaranteed Rate Inc., Chicago, IL [Docket No. 20–2068–MR]

Action: On January 8, 2020, the Board voted to authorize a settlement with Guaranteed Rate Inc. (''GRI'') that would ultimately include a payment of $15,060,000 to resolve allegations made under the False Claims Act. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: GRI (a) compensated underwriters with impermissible commissions; (b) failed to comply with the self-reporting requirements for endorsed loans that were not eligible for endorsement; and (c) employed individuals who engaged in conduct designed to cause the endorsement of loans not eligible for endorsement.

29. Hallmark Home Mortgage, LLC, Fort Wayne, IN [Docket No. 19–1938–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Hallmark Home Mortgage LLC (''Hallmark'') that included a civil money penalty of $9,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Hallmark (a) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; and (b) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

30. Idaho Central Credit Union, Pocatello, ID [Docket No. 19–2034–MR]

Action: On September 1, 2020, the Board voted to enter into a settlement agreement with Idaho Central Credit Union (''Idaho Central'') that included a civil money penalty of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Idaho Central failed to notify HUD of a change to its business structure in fiscal year 2018.

31. Ideal Home Loans, LLC, Denver, CO [Docket No. 19–2009–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Ideal Home Loans, LLC (''Ideal'') that included a civil money penalty of $14,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board voted to accept this offer based on the following alleged violations of HUD requirements. Ideal: (a) Failed to maintain the minimum required adjusted net worth in fiscal year 2018; (b) failed to maintain the minimum required liquid assets in fiscal year 2018; and (c) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018.

32. JNC Mortgage Company, Inc., El Paso, TX [Docket No. 19–2021–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with JNC Mortgage Company, Inc. (''JNC Mortgage'') that included a civil money penalty of $14,319. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: JNC Mortgage (a) failed to timely notify HUD of state sanction in fiscal year 2018; and (b) submitted a false certification to HUD concerning JNC Mortgage's fiscal year 2018.

33. Lenox Financial Mortgage Corporation, Santa Ana, CA [Docket No. 19–1971–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Lenox Financial Mortgage Corporation (''Lenox'') that included a civil money penalty of $4,500. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Lenox failed to maintain the minimum required adjusted net worth in fiscal year 2017.

34. Lenox Financial Mortgage Corporation, Santa Ana, CA [Docket No. 20–2008–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Lenox that included a civil money penalty of $10,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action on the basis of the following violations of HUD requirements. Lenox (a) failed to timely notify FHA of an operating loss exceeding 20% of its net worth during its fiscal year 2018; and (b) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

35. Midwest Equity Mortgage, LLC nka Celebrity Home Loans, LLC, Oakbrook Terrace, IL [Docket No. 19–2029–MR]

Action: On May 20, 2020, the Board voted to impose a civil money penalty of $15,000 against Midwest Equity Mortgage, LLC (''Midwest Equity''), which was included in a subsequent settlement agreement. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Midwest Equity (a) failed to report an operating loss exceeding 20% of its net worth in the third quarter of fiscal year 2018; (b) failed to report an operating loss exceeding 20% of its net worth in the fourth quarter of fiscal year 2018; and (c) failed to notify HUD of a change to its business structure in fiscal year 2018.

36. Mortgage Capital Associates, Los Angeles, CA [Docket No. 20–2070–MR]

Action: On December 17, 2019, the Board voted to withdraw the FHA approval of Mortgage Capital Associates (''Mortgage Capital'') for a period of one year.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Mortgage Capital failed to timely notify HUD of a sanction in fiscal year 2019.

37. Mortgage Now Inc., Shrewsbury, NJ [Docket No. 19–1918–MR]

Action: On December 17, 2019, the Board voted to impose a civil money penalty of $9,623 against Mortgage Now Inc. (''Mortgage Now''), which was included in a subsequent settlement agreement. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Mortgage Now (a) failed to maintain the minimum required adjusted net worth in fiscal year 2017; (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2017; and (c) failed to timely notify HUD of a sanction in fiscal year 2017.

38. Mortgage Unlimited, LLC, Garfield, NJ [Docket No. 19–2039–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Mortgage Unlimited, LLC (''Mortgage Unlimited'') that included a civil money penalty of $9,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Mortgage Unlimited (a) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; and (b) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

39. myCUmortgage, LLC, Beavercreek, OH [Docket No. 19–2045–MR]

Action: On December 17, 2019, the Board voted to assess a civil money penalty of $5,000 against myCUmortgage, LLC (''myCUmortgage''), which was included in a subsequent settlement agreement. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: myCUmortgage failed to timely notify HUD of a sanction in fiscal year 2018.

40. NOVA Financial & Investment Corporation, Tucson, AZ [Docket No. 20–2023–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with NOVA Financial & Investment Corporation (''NOVA Financial'') that included both an indemnification payment to HUD of $752,518 to indemnify HUD for seven loans that resulted in a claim for FHA insurance and the indemnification of an eighth loan that had not yet resulted in an insurance claim, for the life of the loan. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: NOVA Financial violated FHA requirements by endorsing or causing to be endorsed FHA-insurance eight FHA-insured loans that were not eligible for endorsement due to the actions of a criminal fraud scheme involving a now-former loan officer that relied on fraudulent gift letters and gift funds.

41. Obsidian Financial Services, Inc., Melbourne, FL [Docket No. 19–2023–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Obsidian Financial Services, Inc. (''Obsidian'') that included a civil money penalty of $28,942. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Obsidian (a) failed to timely notify HUD of a sanction in fiscal year 2017; (b) submitted a false certification to HUD concerning Obsidian's fiscal year 2017; (c) failed to timely notify HUD of a sanction in fiscal year 2018; and (d) submitted a false certification to HUD concerning Obsidian's fiscal year 2018.

42. Omega Financial Services Inc., Union, NJ [Docket No. 19–2048–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Omega Financial Services (''Omega'') that included a civil money penalty of $9,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Omega (a) failed to maintain the minimum required liquid assets in fiscal year 2018; and (b) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018.

43. Panorama Mortgage Group LLC, Las Vegas, NV [Docket No. 19–2015–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Panorama Mortgage Group LLC (''Panorama'') that included a civil money penalty of $19,936. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Panorama (a) failed to ensure that all objections to title were cured with respect to one FHA-insured loan; (b) failed, with respect to one FHA-insured loan, to verify and determine the delinquency status of a federal non-tax debt; and (c) improperly charged a borrower a utility fee not permitted under a purchase contract.

44. Paragon Mortgage Corporation, Phoenix, AZ [Docket No.: 19–2028–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Paragon Mortgage Corporation (''Paragon'') that included a civil money penalty of $29,457. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Paragon (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018; (c) failed to maintain the minimum required liquid assets throughout fiscal year 2018; and (d) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018; (e) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; and (f) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018.

45. Parkside Lending, LLC, San Francisco, CA [Docket No. 20–2028–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Parkside Lending, LLC (''Parkside'') for a civil money penalty of $10,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Parkside failed to timely notify HUD of two state sanctions in fiscal years 2017 and 2018.

46. Prime Choice Funding, Inc., Tustin, OK [Docket No. 19–1954–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Prime Choice Funding (''Prime Choice'') that included a civil money penalty of $37,442. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Prime Choice (a) failed to report an operating loss exceeding 20% of its net worth in fiscal year 2018; (b) failed to file quarterly financial statements after an operating loss exceeding 20% of its net worth in fiscal year 2018; (c) failed to timely notify HUD of a sanction in fiscal year 2018; (d) submitted a false certification to HUD concerning Prime Choice's fiscal year 2018; (e) failed to timely notify HUD of a sanction in fiscal year 2017; and (f) submitted a false certification to HUD concerning Prime Choice's fiscal year 2017.

47. RMS Associates, Las Vegas, NV [Docket No. 20–2002–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with RMS Associates (''RMS'') that included a civil money penalty of $14,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: RMS (a) failed to timely notify HUD of a sanction in fiscal year 2018; and (b) submitted a false certification to HUD concerning RMS's fiscal year 2018.

48. Ross Mortgage Company, Inc., Westborough, MA [Docket No. 19–1974–MR]

Action: On May 12, 2020, the Board voted to accept a settlement agreement with Ross Mortgage Company (''Ross Mortgage'') that included a civil money penalty of $19,442.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Ross Mortgage (a) failed to maintain the minimum required adjusted net worth in fiscal year 2017; (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2017; and (c) failed to maintain the minimum required adjusted net worth in fiscal year 2018.

49. Servion, Inc., New Brighton, MN [Docket No. 20–2065–MR]

Action: On September 1, 2020 the Board voted to enter into a settlement agreement with Servion, Inc. (''Servion'') that included a civil money penalty of $14,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Servion (a) failed to timely notify HUD of a sanction in fiscal year 2018; and (b) submitted a false certification to HUD concerning Servion's fiscal year 2018.

50. Silvermine Ventures, LLC, Rye Brook, NY [Docket No. 19–2010–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Silvermine Ventures, LLC (''Silvermine'') that included a civil money penalty of $19,638. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Silvermine (a) failed to maintain the minimum required adjusted net worth in fiscal year 2018; (b) failed to timely report the failure to maintain the required minimum adjusted net worth in fiscal year 2018; (c) failed to maintain the minimum required liquid assets in fiscal year 2018; and (d) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018.

51. SN Servicing Corporation, Baton Rouge, LA [Docket No. 20–20007–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with SN Servicing Corporation (''SN Servicing'') that included a civil money penalty of $9,819. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: SN Servicing failed to timely notify HUD of a sanction in fiscal year 2019.

52. Springboard CDFI dba Springboard Mortgage Collaborative, Riverside, CA [Docket No. 20–2003–MR]

Action: On May 12, 2020, the Board voted to impose a civil money penalty of $14,819 against Springboard CDFI dba Springboard Mortgage Collaborative (''Springboard'') which was included in a subsequent settlement agreement. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Springboard (a) failed to maintain the minimum required liquid assets in fiscal year 2018; (b) failed to timely report the failure to maintain the minimum required liquid assets in fiscal year 2018; and (c) failed to timely notify HUD of a sanction in fiscal year 2019.

53. TJC Mortgage, Inc., Birmingham, AL [Docket No. 20–2009–MR]

Action: On May 12, 2020, the Board voted to impose a civil money penalty of $19,468 against TJC Mortgage, Inc. (''TJC Mortgage''), which was included in a subsequent settlement agreement. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: TJC Mortgage (a) failed to timely notify HUD of a sanction in fiscal year 2019; (b) failed to timely notify HUD of a sanction in fiscal year 2016; and (c) submitted a false certification to HUD concerning TJC Mortgage's fiscal year 2016.

54. Tradition Mortgage LLC, Lakeville, MN [Docket No. 19–2049–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Tradition Mortgage LLC, (''Tradition Mortgage'') that included a civil money penalty of $14,819. The settlement agreement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violations of HUD requirements: Tradition Mortgage (a) failed to timely notify HUD of a state sanction in fiscal year 2018; and (b) submitted a false certification to HUD concerning Tradition Mortgage's fiscal year 2018.

55. United Home Loans, Inc., Westchester, IL [Docket No. 20–2015–MR]

Action: On September 1, 2020, the Board voted to accept a settlement agreement with United Home Loans, Inc. (''United Home'') that included a civil money penalty of $5,000. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: United Home failed to timely notify HUD of a sanction in fiscal year 2019.

56. Valley Mortgage Inc., Fargo, ND [Docket No. 19–1956–MR]

Action: On December 17, 2019, the Board voted to enter into a settlement agreement with Valley Mortgage Inc. (''Valley Mortgage'') that included a civil money penalty of $9,468 and the indemnification of one FHA-insured mortgage for a term of five years. The settlement agreement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Valley Mortgage violated FHA underwriting requirements by approving a loan that was not eligible for FHA insurance by failing to properly calculate the borrowers' effective income.

57. VIG Mortgage Corporation, San Juan, PR [Docket No. 20–2016–MR]

Action: On May 12, 2020, voted to enter into a settlement agreement with VIG Mortgage Corporation (''VIG'') that included a civil money penalty of $4,909. The settlement agreement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: VIG Mortgage failed to timely notify HUD of a change to VIG Mortgage's business structure, consisting of a change in ownership, in fiscal year 2018.

58. Weststar Mortgage Corporation, Albuquerque, NM [Docket No. 20–2005–MR]

Action: On May 12, 2020, the Board voted to enter into a settlement agreement with Westar Mortgage Corporation (''Weststar'') that included a civil money penalty of $5,000. The settlement agreement does not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD requirements: Weststar failed to timely notify HUD of a sanction in fiscal year 2019.

II. Lenders That Failed To Timely Meet Requirements for Annual Recertification of HUD/FHA Approval but Came Into Compliance

Action: The Board entered into settlement agreements with the following lenders, which required the lender to pay a civil money penalty without admitting fault or liability.

Cause: The Board took these actions based upon allegations that the listed lenders failed to comply with HUD's annual recertification requirements in a timely manner.

The lenders below paid the following civil money penalty amounts:

1. *Central Bank and Trust Lander, WY ($10,067) [Docket No. 20–2038–MRT]*

The following lenders paid civil money penalties of $5,000.

2. *Community Investment Corporation, Chicago, IL [Docket No. 20–2081–MRT]*
3. *Great Lakes Financial Group Ltd, Cleveland, OH [Docket No. 20–2090–MRT]*

The following lenders paid civil money penalties of $4,500.

4. *Buckeye State Bank, Powell, OH [Docket No. 20–2029–MRT]*
5. *First Flight Federal Credit Union, Cary, NC [Docket No. 20–2032–MRT]*
6. *Grand Savings Bank, Grove, OK [Docket No. 20–2034–MRT]*
7. *SWI Financial Services Inc, Escondido, CA [Docket No. 20–2032–MRT]*
8. *Windsor Federal Savings [Docket No. 19–2040–MRT]*

III. Lenders That Failed To Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board voted to withdraw the FHA approval of each of the lenders listed below for a period of one (1) year.

Cause: The Board took this action based upon allegations that the lenders listed below were not in compliance with HUD's annual recertification requirements.

1. *Apex Lending Inc., Santa Ana, CA*
2. *Aries Loans Inc., El Segundo, CA*
3. *City National Bank of New Jersey, Newark, NJ*
4. *Consumer Loan Services, LLC, La Crosse, WI*
5. *Gulf Atlantic Funding Group, Davie, FL*
6. *Metro Phoenix Financial Services, LLC, Phoenix, AZ*
7. *Mortgage Bank of California, Manhattan Beach, CA*
8. *South Central Bank and Trust Co., Chicago, IL*
9. *United Police Federal Credit Union, Miami, FL*

Janet M. Golrick,

Acting Assistant Secretary for Housing/FHA Commissioner Chair, Mortgagee Review Board.

[FR Doc. 2021–02921 Filed 2–11–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6245–N–01]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Administration under the provisions of the National Housing Act (the Act). The interest rate for debentures issued under Section 221(g)(4) of the Act during the 6-month period beginning January 1, 2021, is¾ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning January 1, 2021, is 1⅜ percent.

FOR FURTHER INFORMATION CONTACT: Elizabeth Olazabal, Department of Housing and Urban Development, 451 Seventh Street SW, Room 5146,

Washington, DC 20410–8000; telephone (202) 402–4608 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Information Relay Service at (800) 877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (12 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) of the Act) shall bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is highest. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning January 1, 2021, is 1⅜ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 1⅜ percent for the 6-month period beginning January 1, 2021. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with insurance commitment or endorsement date (as applicable) within the first 6 months of 2021.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	on or after	prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1. 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5⅞	July 1, 2001	Jan. 1, 2002.
5¼	Jan. 1, 2002	July 1, 2002.
5¾	July 1, 2002	Jan. 1, 2003.
5	Jan. 1, 2003	July 1, 2003.
4½	July 1, 2003	Jan. 1, 2004.
5⅛	Jan. 1, 2004	July 1, 2004.
5½	July 1, 2004	Jan. 1, 2005.
4⅞	Jan. 1, 2005	July 1, 2005.
4½	July 1, 2005	Jan. 1, 2006.
4⅞	Jan. 1, 2006	July 1, 2006.
5⅜	July 1, 2006	Jan. 1, 2007.
4¾	Jan. 1, 2007	July 1, 2007.
5	July 1, 2007	Jan. 1, 2008.
4½	Jan. 1, 2008	July 1, 2008.
4⅝	July 1, 2008	Jan. 1, 2009.
4⅛	Jan. 1, 2009	July 1, 2009.
4⅛	July 1, 2009	Jan. 1, 2010.
4¼	Jan. 1, 2010	July 1, 2010.
4⅛	July 1, 2010	Jan. 1, 2011.
3⅞	Jan. 1, 2011	July 1, 2011.
4⅛	July 1, 2011	Jan. 1, 2012.
2⅞	Jan. 1, 2012	July 1, 2012.
2¾	July 1, 2012	Jan. 1, 2013.
2½	Jan. 1, 2013	July 1, 2013.
2⅞	July 1, 2013	Jan. 1, 2014.
3⅝	Jan. 1, 2014	July 1, 2014.
3¼	July 1, 2014	Jan. 1, 2015.
3	Jan. 1, 2015	July 1, 2015.
2⅞	July 1, 2015	Jan. 1, 2016.
2⅞	Jan. 1, 2016	July 1, 2016.
2½	July 1, 2016	Jan. 1, 2017.
2¾	Jan. 1, 2017	July 1, 2017.
2⅞	July 1, 2017	Jan. 1, 2018.
2¾	Jan. 1, 2018	July 1, 2018.
3⅛	July 1, 2018	Jan. 1, 2019.
3⅜	Jan. 1, 2019	July 1, 2019.
2¾	July 1, 2019	Jan. 1, 2020.
2¼	Jan. 1, 2020	July 1, 2020.
1¼	July 1, 2020	Jan. 1, 2021.
1⅜	Jan. 1, 2021	July 1, 2021.

Section 215 of Division G, Title II of Public Law 108–199, enacted January 23, 2004 (HUD's 2004 Appropriations Act) amended Section 224 of the Act, to change the debenture interest rate for purposes of calculating certain insurance claim payments made in cash. Therefore, for all claims paid in cash on mortgages insured under Section 203 or 234 of the National Housing Act and endorsed for insurance after January 23, 2004, the debenture interest rate will be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years, as found in Federal Reserve Statistical Release H–15. The Federal Housing Administration has codified this provision in HUD regulations at 24 CFR 203.405(b) and 24 CFR 203.479(b).

Similarly, Section 520(a) of the National Housing Act (12 U.S.C. 1735d) provides for the payment of an insurance claim in cash on a mortgage or loan insured under any section of the National Housing Act before or after the enactment of the Housing and Urban Development Act of 1965. The amount of such payment shall be equivalent to the face amount of the debentures that would otherwise be issued, plus an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Secretary. The implementing HUD regulations for multifamily insured mortgages at 24 CFR 207.259(e)(1) and (e)(6), when read together, provide that debenture interest on a multifamily insurance claim that is paid in cash is paid from the date of the loan default at the debenture rate in effect at the time of commitment or endorsement (or initial endorsement if there are two or more endorsements) of the loan, whichever is higher.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a

statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning January 1, 2021, is¾ percent. The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Authority: Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Janet M. Golrick,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2021–02867 Filed 2–11–21; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1162]

Certain Touch-Controlled Mobile Devices, Computers, and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation as to Amazon, Dell, Lenovo, Microsoft, Motorola, and Samsung Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 66) of the presiding administrative law judge (''ALJ'') that terminates the investigation as to the remaining respondents (Amazon, Dell, Lenovo, Microsoft, Motorola, and Samsung) based on a settlement. This investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 24, 2019, based on a complaint filed by Neodron Ltd. of Dublin, Ireland (''Neodron''). 84 FR 29545 (June 24, 2019). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain touch-controlled mobile devices, computers, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,432,173; 8,791,910; 9,024,790; and 9,372,580. *Id.;* 84 FR 55584 (Oct. 17, 2019). The amended complaint further alleges that an industry in the United States exists as required by section 337. 84 FR 29545; 84 FR 55584. The notice of investigation, as amended, named as respondents Amazon.com, Inc. of Seattle, Washington (''Amazon''); Dell Inc. of Round Rock, Texas; Dell Products LP of Round Rock, Texas (together, ''Dell''); HP Inc. of Palo Alto, California (''HP''); Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina (together, ''Lenovo''); Microsoft Corporation of Redmond, Washington (''Microsoft''); Motorola Mobility LLC of Chicago, Illinois (''Motorola''); Samsung Electronics Co., Ltd. of Suwon, South Korea; and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (together, ''Samsung''). 84 FR 29545; 84 FR 55584. The Office of Unfair Import Investigations is not participating in the investigation. 84 FR 29545.

On September 2, 2020, this investigation was terminated as to HP. Order No. 59 (Aug. 20, 2020), *unreviewed,* Notice (Sept. 2, 2020).

On January 25, 2021, Neodron, Amazon, Dell, Lenovo, Microsoft, Motorola, and Samsung filed a joint motion to terminate all remaining respondents from the investigation based on a settlement agreement.

On January 27, 2021, the ALJ issued Order No. 66, the subject ID, which granted the motion. The ID found that the motion complies with Commission Rule 210.21(b). The ID further found that terminating the investigation as to all remaining respondents will not adversely affect the public interest. Because the investigation had already terminated as to HP, the ID would result in the termination of the investigation in its entirety. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on February 8, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 8, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02877 Filed 2–11–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1179]

Certain Pouch-Type Battery Cells, Battery Modules, and Battery Packs, Components Thereof, and Products Containing the Same; Commission Determination Not To Review an Initial Determination Granting Complainants' Motion To Amend the Complaint and Notice of Investigation and Terminate the Investigation as to Certain Claims Based on Withdrawal of the Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 53) of the presiding chief administrative law judge (''CALJ'') granting complainants' corrected motion (1) for leave to amend the complaint and notice of investigation to reflect the respondents' corporate reorganization and (2) to withdraw allegations concerning certain claims of U.S. Patent No. 10,121,994 (''the '994 patent'') from the complaint.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337'') on October 9, 2019, based on a complaint filed by SK Innovation Co., Ltd. of Seoul, Republic of Korea and SK Battery America, Inc. of Atlanta, Georgia (collectively, ''SK''). 84 FR 54173–74 (Oct. 9, 2019). The complaint alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pouch-type battery cells, battery modules, and battery packs, components thereof, and products containing the same by reason of infringement of claims 1–36 of the '994 patent. The complaint named as respondents LG Chem, Ltd. of Seoul, Republic of Korea, and LG Chem Michigan, Inc. of Holland, Michigan (collectively, ''LG''). The Commission's Office of Unfair Import Investigations (''OUII'') also was named as a party. Subsequently, the investigation was terminated in part based on withdrawal of the complaint as to claims 8, 9, 17, 26, 27, and 35 of the '994 patent. Order No. 23 (March 25, 2020), *unreviewed by* Notice (Apr. 22, 2020). Further, the Commission determined that the economic prong of the domestic industry is satisfied. Order No. 51 (Dec. 14, 2020), *reviewed,* and on review, *affirmed with modified reasoning by* Notice (Jan. 14, 2021).

On January 4, 2021, SK filed a corrected motion for leave to amend the complaint and notice of investigation to reflect a reorganization of respondent LG Chem, Ltd. (''LGC'') in which (i) certain business functions were transferred to a newly created subsidiary named LG Energy Solution, Ltd., and (ii) respondent LG Chem Michigan Inc. was renamed LG Energy Solution Michigan, Inc. SK also moved to terminate the investigation in part with respect to claims 1, 2, 4, 7, 10–14, 16, 18, 21, 23, 28, 29–32, 34, and 36 of the '994 patent based on withdrawal of the allegations in the complaint as to those claims. Respondents did not oppose the motion. Mot. at 3. On January 6, 2021, OUII advised the presiding CALJ that it does not object to the motion and will not be filing a response.

On January 11, 2021, the CALJ issued the subject ID granting SK's motion pursuant to Commission Rules 210.14(b) and 210.21(a)(1), 19 CFR 210.14(b), 210.21(a)(1). The ID finds that good cause exists for amending the complaint and notice of investigation due to the recent change in corporate structure. ID at 2. The ID finds that amending the complaint and notice of investigation to reflect LGC's recent corporate reorganization will aid in the development of this investigation and serve the public interest by apprising the public of the correct entities involved. The ID finds that the proposed amendments do not unnecessarily prejudice the public interest or the rights of the parties to the investigation. The ID further finds that no extraordinary circumstances exist that would prevent the requested partial termination of this investigation. *Id.* at 4. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Claims 1, 2, 4, 7, 10–14, 16, 18, 21, 23, 28, 29–32, 34, and 36 of the '994 patent are terminated from this investigation.

The Commission vote for this determination took place on February 8, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 8, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02878 Filed 2–11–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1246]

Certain Integrated Circuits and Products Containing the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint and motion for temporary relief were filed with the U.S. International Trade Commission on December 18, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Tela Innovations, Inc. of Los Gatos, California. Supplements were filed on December 30, 2020, and February 3, 2021. The motion for temporary relief was withdrawn on February 3, 2021. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuits and products containing the same by reason of infringement of certain claims of U.S. Patent No. 10,186,523 (''the '523 patent''). The complaint further alleges that an industry in the United States exists and/or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 8, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–11, 14–20, 25, and 26 of the '523 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Rule 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''Intel's microprocessors fabricated using Tri-Gate technology at a 14nm process node or smaller and products that contain such Intel microprocessors, specifically servers, workstations, desktops, all-in-one PCs, laptops, notebooks, computer tablets, and board-level computers'';

(3) Pursuant to Rule 210.10(b)(3) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(3), the presiding Administrative Law Judge shall hold an early evidentiary hearing and find facts, as needed, and shall issue an early initial determination (''ID''), within 100 days of institution, except for good cause shown, as to whether the complainant's allegations in this investigation are precluded or otherwise barred—*e.g.,* under claim preclusion, issue preclusion, or the *Kessler* doctrine—by either the decision of the U.S. District Court for the Northern District of California, *Intel Corp.* v. *Tela Innovations, Inc.,* No. 3:18–cv–02848–WHO, ECF No. 316 (N.D. Cal. Dec. 22, 2020), or the Commission's final determination in *Certain Integrated Circuits and Prods. Containing Same,* Investigation No. 337–TA–1148. *See Smith* v. *Bayer Corp.,* 564 U.S. 299, 307 (2011) (''Deciding whether and how prior litigation has preclusive effect is usually the bailiwick of the *second* court . . . .''); *see also* Charles Alan Wright et al., Federal Practice & Procedure § 4405 (2d ed.) (''The first court does not get to dictate to other courts the preclusion consequences of its own judgment. . . .''). Any review will be conducted in accordance with Commission Rules 210.42–45. 19 CFR 210.42–45. Unless the Commission orders otherwise, the issuance of an early ID finding that the complainant is precluded or barred from pursuing its complaint shall stay the investigation and any other decision shall not stay the investigation or delay the issuance of a final ID covering the other issues of the investigation;

(4) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(l), (f)(1), (g)(1);

(5) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Tela Innovations, Inc., 1484 Pollard Road #483, Los Gatos, CA 95032

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Acer, Inc., 1F, 88, Sec. 1, Xintai 5th Rd., Xizhi, New Taipei City 221, Taiwan

Acer America Corporation, 333 West San Carlos Street, Suite 1500, San Jose, CA 95110

ASUSTek Computer Inc., No. 15, Li-Te Road, Beitou District, Taipai 112, Taiwan

ASUS Computer International, 800 Corporate Way, Fremont, CA 94539

Intel Corporation, 2200 Mission College Blvd., Santa Clara, CA 95052

Lenovo Group Ltd., No. 6 Chuang Ye Road, Shangdi Information Industry Base, Beijing 100085, China

Lenovo (United States) Inc., 1009 Think Pl., Morrisville, NC 27560

Micro-Star International Co., Ltd., No. 69, Lide St., Zhonghe District, New Taipei City 235, Taiwan

MSI Computer Corp., 901 Canada Court, City of Industry, CA 91748

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(7) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 8, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02872 Filed 2–11–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1247]

Certain Wireless Communications Equipment and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 7, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Samsung Electronics Co., Ltd. of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey. A supplement to the complaint was filed on January 25, 2021. The

complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communications equipment and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,041,074 (''the '074 patent''); U.S. Patent No. 9,521,616 (''the '616 patent''); U.S. Patent No. 9,736,772 (''the '772 patent''); and U.S. Patent No. 10,797,405 (''the '405 patent''). The complaint further alleges that an industry in the United States exists or in the process of being established as required by the applicable Federal Statute. The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 8, 2021, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–6 and 11–17 of the '074 patent; claims 1–5, 8–16, 19–24, 26, 29–37, 40, and 42 of the '616 patent; claims 1–15 of the '772 patent; and claims 1–20 of the '405 patent; and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''wireless communications devices or software for use with 4G and 5G applications and components thereof, specifically base stations, base band units, antenna units, antenna systems, radio units, radio systems, mobile transport systems, site systems, digital units, CPU units, modem units, central units, power amplifiers, or related software; radio access network software; network management software; cloud radio access networks; virtual radio access networks; or radio access processing platforms'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Samsung Electronics Co., Ltd., 129 Samsung ro (Maetan-dong), Yeongtong-gu Suwon-si, Gyeonggi-do 16677 Korea

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ericsson AB, Torshamnsgatan 23, Kista, 16480 Stockholm, Sweden

Telefonaktiebolaget LM Ericsson, Torshamnsgatan 21, Kista, SE–164 83 Stockholm, Sweden

Ericsson Inc., 6300 Legacy Drive, Plano, TX 75024

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 8, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02876 Filed 2–11–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on January 18, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Virginia Panel (individual), Waynesboro, VA, has been added as a party to this venture.

In addition, Coherent Solutions Limited has changed its name to Quantifi Photonics, Auckland, New Zealand.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on November 2, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2020 (85 FR 74763).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02927 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on January 11, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. Section 4301 *et seq.* (the ''Act''), Pistoia Alliance, Inc. filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Titian Software, London, UNITED KINGDOM; Alexander Lavrentios (individual), Wellesley, MA; Galapagos N.V., Vlaanderen, BELGIUM; Richard Lingard (individual), London, UNITED KINGDOM; Adil Khan (individual), Lutherville, MD; McKinsey & Company, Berlin, GERMANY; QIAGEN, Redwood City, CA; Sartorius, Gottingen, GERMANY; Mcule, Budapest, HUNGARY; MolPort, Riga, LATVIA; Apheris AI GmbH, Berlin, GERMANY; ZS Associates, Inc., San Mateo, CA; UMEDEOR Ltd., New York, NY; and US Pharmacopeia, Rockville, MD have been added as parties to this venture. Also, UniteLabs AG, Basel-Stadt, SWITZERLAND; Valtari Bio Inc., Austin, TX; KWS SAAT SE, Lower Saxony, GERMANY; Repositive, Cambridgeshire, UNITED KINGDOM; and Fulcrum Direct Ltd., Wales,UNITED KINGDOM have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on October 19, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 19, 2020 (85 FR 73749).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02938 Filed 2–11–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Battery Innovation

Notice is hereby given that, on January 15, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Battery Innovation (''CBI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Owens Corning, Apeldoorn, THE NETHERLANDS; Eastman Auto & Power LTD; Solan, Himachal Preadesh, INDIA; Birla Carbon, Marietta, GA; and Hollingsworth & Vose Company, East Walpole, MA have been added as parties to this venture.

Also, Microtex Energy Private Limited, Bengaluru, INDIA; Tydrolyte LLC, Troy, MI and EnerG2 Technologies, Seattle, WA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CBI intends to file additional written notifications disclosing all changes in membership.

On May 24, 2019, CBI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 21, 2019 (84 FR 29241).

The last notification was filed with the Department on June 16, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 16, 2020 (85 FR 43261).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02928 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Execution of Rendezvous and Servicing Operations

Notice is hereby given that, on February 1, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Execution of Rendezvous and Servicing Operations (''CONFERS'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ClearSpace SA, Lausanne, SWITZERLAND; COMSPOC Corporation, Exton, PA; Florida Institute of Technology, Melbourne, FL; L3Harris Technologies, Inc., Melbourne, FL; Motiv Space Systems, Pasadena, CA; and Zero-G Horizons Technologies, LLC, Daytona Beach, FL have been added as parties to this venture.

Effective Space, London, UNITED KINGDOM has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and CONFERS intends to file additional written notifications disclosing all changes in membership.

On September 10, 2018, CONFERS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 19, 2018 (83 FR 53106).

The last notification was filed with the Department on November 18, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 30, 2020 (85 FR 76603).

Suzanne Morris

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02940 Filed 2–11–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on February 1, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Information Warfare Research Project Consortium (''IWRP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Belle Artificial Intelligence Corporation, Cambridge, MA; Raytheon Integrated Defense Systems, Portsmouth, RI; SafeFlights Inc /d/b/a 14bis Supply Tracking, Burlington, MA; IERUS Technologies, Inc., Huntsville, AL; Norseman Defense Services, Inc., Elkridge, SC; Opal Soft, Inc., Sunnyvale, CA; Amentum Services Inc., Denver, CO; Southern Aerospace Company LLC, Madison, AL; Georgia Tech Applied Research Corporation (GTARC), Atlanta, GA; MarkLogic Corp, LLC., San Carlos, MD; Inonde, Mclean, VA; Intrinsic Enterprises Inc., Newcastle, WA; KeyW Corp, Severn, MD; Ocean Power Technologies, Inc., Monroe Township, NJ; Salesforce.com, Inc., San Francisco, CA; VIAVI Solutions, LLC, Colorado Springs, CO; Prescient Edge Corporation, McLean, VA; Boingo Wireless, Inc, Los Angeles, CA; Emerging Technology Ventures, Inc., Herndon, VA; Guidon Technology Solutions, Inc., Alamogordo, NM; Rampart Communications, Inc., Hanover, MD; RWC, Annapolis, MD; Secmation LLC, Raleigh, NC; SHINE Systems, LLC., Charlottesville, VA; Athena Technologies, LLC., Orlando, FL; Acumen Solutions, Inc., McLean, VA; TLC Solutions, Inc., Advanced Ground Information Systems, Inc., Jupiter, FL; Applied Information Sciences, Inc. (AIS), Reston, VA; Blank Slate Solution, Mount Pleasant, SC; Huckworthy LLC., Promia Incorporated, Novato, CA; Sequoia Holdings, LLC., Reston, VA; Signal Processing Technologies Inc., Merrimack, NH; Technology and Communications Systems Inc., Clearwater, FL; Artlin Consulting, LLC., Vienna, VA; Axon Enterprise Inc., Scottsdale, GA; Daines Advisory Inc., ALhambra, CA; MI Technical Solutions Inc., Chesapeake, VA; B23 LLC., Tysons, VA; LS Telcom, Inc., Bowie, MD; Tygart Technology, Inc., Fairmont, WV; Baker Street Scientific, Inc., Rome, GA; BoxBoat Technologies, LLC., Bethesda, MD; Expansia Group LLC, Nashua, NA; UBERETHER, Inc., Sterling, VA; WILLCOR Inc., College Park, MD; HigherEchelon, Inc., Huntsville, AL; COMSovereign Holding Corp., Dallas, TX; DEEPSIG, Arlington, VA; Granite Telecommunications LLC., Quincy, MA; ProSync Technology Group, Ellicott City, MD; The MIL Corporation, Bowie, MD; XATOR Corporation, Reston, VA; BIAS Corporation, Rosewell, GA; Bluemont Technology & Research, Inc., Luray, VA; Ansys, Inc., Canonsburg, PA; DeVilliers Technology Solutions, Stafford, VA; ITC Defense Corp, Arlington, VA; ReefPoint Group LLC, Annapolis, MD; Saltenna, Mclean, VA; General Electric Company, Niskayuna, NY; Trilogic Systems Corporation, Gloucester, MA; CellAntenna Corporation, Coral Springs, FL; Corsair Technical Services Inc., Bellevue, WA; Ericsson Inc., Plano, TX; Immersion Consulting, LLC., Annapolis, MD; Raft LLC., Reston, VA; Skylark Wireless LLC., Houston, TX; I2TSMEGLOBAL, San Antonio, TX; American Defense International, Inc., West Tower, DC, FL; II–VI Aerospace & Defense Inc., Murrieta, CA; Selection Pressure LLC dba Ion Channel, Alexandria, VA; KNC Strategic Services, Oceanside, CA; Saab Barracuda LLC., Lillington, NC; CAE USA MSI, Tampa, FL; CoVar Applied Technologies, McLean, VA; Nutronics, Inc., Longmont, CO; R2 Space, Inc. d/b/a Orbital Effects, Ann Arbor, MI; Kord Technoloiges, LLC., Huntsville, AL; Battelle Memorial Institute, Columbus, OH; Bluestone Analytics, LLC., Charlottesville, VA; Nexus Life Cycle Management, LLC., Stevenson, WA; Sapient Logic, Escondido, CA; Swift Star Technologies, Inc, Austin, TX; Antenna Research Associates, Inc. Laurel, MD; Dover Microsystems, Inc., Waltham, MA; Dutch Ridge Consulting Group, Inc., Beaver, PA; Quanterion Solutions Incorporated, Utica, NY; Cellco, Marshall, VA; Cellco Partnership dba Verizon Wireless, Basking Ridge, MD; Fuse AI, Inc., Washington, DC; A-Tech., LLC, Albuquerque, NM; Bright Apps LLC., Walnut Creek, CA; and Tomahawk Robotics Inc., Melbourne, FL have been added as parties to this venture.

Also, Attollo, LLC., Cumberland, RI; Cask Technologies, LLC., San Diego, CA; CommTech Systems Inc., El Cajon, CA; GSD, LLC., Williamsburg, VA; Heilig Defense Inc., Arlington, VA; ODME Solutions, LLC., San Diego, CA; OneRAN, LLC., Sunnyvale, CA; PreTalen, Ltd., Beavercreek, OH; RPI Group Inc., Fredericksburg, VA; Systems and Proposal Engineering Company (Spec Innovations), Manassas, VA; Three Wire Systems, LLC., Falls Church, VA; and XST Inc., San Diego, CA have withdrawn from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on November 9, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 20, 2020 (85 FR 74384).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02955 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Naval Surface Technology & Innovation Consortium

Notice is hereby given that, on January 22, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Naval Surface Technology & Innovation Consortium (''NSTIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Acutronic USA, Inc., Pittsburgh, PA; Aery Aviation, LLC, Newport News, VA; Alare Technologies, Moorpark, CA; Alluvionic Inc., Melbourne, FL; Applied Information Sciences, Inc. (AIS), Reston, VA; Applied Nanotech Inc., Austin, TX; Areté Associates, Northridge, CA; Averatek Corporation, Santa Clara, CA; AVX Aircraft Company, Benbrook, TX; CellAntenna Corporation, Coral Springs, FL; Cohere Solutions, LLC, Reston, VA; Cova Strategies, LLC, Albuquerque, NM; Daniel Defense, Inc., Black Creek, GA; Electronics Development Corporation, Columbia, MD; EPIQ Design Solutions, Inc. d/b/a Epiq Solutions, Rolling Meadows, IL; Exyn Technologies, Philadelphia, PA; Global Air Logistics and Training, Inc., Del Mar, CA; Great Lakes Sound & Vibration, Inc., Houghton, MI; IMSAR, LLC, Springville, UT; MagiQ Technologies, Inc., Somerville, MA; Maztech Industries, LLC, Irvine, CA; Mikros Systems Corporation, Fort Washington, PA; NKT Photonics, Inc., Boston, MA; North Atlantic Industries, Bohiemia, NY; Northeast Information Discovery, Canastota, NY; Novetta, Inc., McLean, VA; Phased n Research, Inc., Huntsville, AL; Physical Optics Corporation—a Mercury Company, Torrance, CA; Product Development Associates, Inc., Burnsville, MN; ProSync Technology Group, Ellicott City, MD; Satelles, Inc., Reston, VA; Spatial Integrated Systems, Inc., Virginia Beach, VA; Starwin Industries, LLC, Dayton, OH; Surface Optics Corporation, San Diego, CA; Technology Advancement Group, Inc., Dulles, VA; TenCate Advanced Armor USA, Inc., Goleta, CA; University of Arizona Applied Research Corporation, Tucson, AZ; and XR2LEAD LLC, Dumfries, VA, have been added as parties to this venture and the members of the National Armaments Consortium (NAC), whose last filing can be found at (86 FR 5251).

Also, Alion Science and Technology Corporation, New London, CT has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSTIC intends to file additional written notifications disclosing all changes in membership.

On October 8, 2019, NSTIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 12, 2019 (84 FR 61071).

The last notification was filed with the Department on November 11, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2020 (85 FR 74763).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02923 Filed 2–11–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Ros-Industrial Consortium Americas

Notice is hereby given that, on January 27, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Arc Specialties, Houston, TX has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RIC-Americas intends to file additional written notifications disclosing all changes in membership.

On April 30, 2014, RIC-Americas filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on December 29, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 8, 2021 (86 FR 1526).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02931 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—Space Enterprise Consortium

Notice is hereby given that, on February 1, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Space Enterprise Consortium (''SpEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 202 Group, LLC, Washington, DC; Adaptive Optics Associates, Inc., Devens, MA; Addx Corporation, Alexandria, VA; ADNET Systems, Inc., Bethesda, MD; Alluvionic, Inc., Melbourne, FL; Altagrove LLC, Herndon, VA; Atomos Nuclear and Space Corporation, Denver, CO; Batelle Memorial Institute, Columbus, OH; Caliola Engineering, LLC, Colorado Springs, CO; Celeris Systems, Inc., Anaheim, CA; ClimaCell, Inc., Boston, MA; Constellation Software Engineering Corp., Annapolis, MD; Constellation Technologies, Inc., Severn, MD; DornerWorks, Ltd., Grand Rapids, MI; Edison Welding Institute, Inc. (DBA EWI), Columbus, OH; Export Compliance Connections, Maineville, OH; Integral & Open Systems, Inc., Ypsilanti, MI; Integrity Communications

Solutions, Colorado Springs, CO; Jeffrey Okamitsu dba Blue Force Consulting, Westminster, MD; L2 Aerospace LLC, Melbourne, FL; Launchspace Technologies Corporation, Fort Myers, FL; Lynk Global, Inc., Falls Church, VA; Moog, Inc. (Moog Broad Reach), Gilbert, AZ; Moog, Inc. (Moog CSA Business Unit), Mountain View, CA; Nebula Space Enterprise, Inc., San Diego, CA; Novetta, Inc., McLean, VA; Persistant Systems LLC, New York, NY; Qwest Government Services, Inc. dba Century Link QGS, Herndon, MD; SaraniaSAT, Inc., Tujunga, CA; Space Domain Awareness, Inc., Orlando, FL; Sphinx Defense, Inc., Washington, DC; The JAAW Group LLC, Cottonwood Heights, UT; Ultool, LLC, Duluth, GA; Verizon Business Network Services, Inc., Ashburn, VA; Virginia Systems and Technology, Inc., Warrenton, VA; and Willowview Consulting, LLC, Eagle, MD have been added as parties to this venture.

Also, Alliance Technology Group, Hanover, MD; Carahsoft Technology Corp., Reston, VA; and Rockwell Collins, Cedar Rapids, IA have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SpEC intends to file additional written notifications disclosing all changes in membership.

On August 23, 2018, SpEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 2, 2018 (83 FR 49576).

The last notification was filed with the Department on October 27, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 20, 2020 (85 FR 74385).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02945 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on January 21, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Universal Thin Film Lab Corporation, Newburgh, NY; and The Regents of the University of California Irvine, Irvine, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on October 2, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 30, 2020 (85 FR 68918).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02933 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Institute of Electrical and Electronics Engineers, Inc.

Notice is hereby given that, on January 11, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Institute of Electrical and Electronics Engineers, Inc. (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 25 new standards have been initiated and 21 existing standards are being revised. More detail regarding these changes can be found at: *https://standards.ieee.org/about/sasb/sba/dec2020.html.*

The following pre-standards activities associated with IEEE Industry Connections (IC) Activities were launched or renewed. In addition, the following IEEE SA Registries associated with the IEEE Registration Authority (RA) were established to promulgate IEEE standards. More detail regarding these can be found at: *https://standards.ieee.org/about/bog/smdca/december2020.html.*

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on October 22, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 24, 2020 (85 FR 75035).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02930 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—3D PDF Consortium Inc.

Notice is hereby given that, on January 22, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 3D PDF Consortium Inc. (''3D PDF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kubotek3D, Marlborough, MA, has been added as a party to this venture.

Also, Linda Shave (individual), Endwell, NY; NetApp Inc., Waltham, MA; Patricia C. Franks (individual), NorthWard, Australia; Jean-François Blanchette (individual), Los Angeles, CA; KOM Software, Ottawa, Canada; Terri Jackson (individual), Waterloo, Canada; Amitabh Srivastav (individual), Ottawa, Canada; Lucidi Piergiorgio (individual), Roma, Italy; Ontario Lottery Group, Toronto, Canada; Kamel Shaath (individual), Ottawa, Canada; Owen Ambur (individual), Hilton Head, SC; Rick Laxman (individual), Salt Lake City, UT; Bill Corey (individual), Charlottesville, VA; National Institute of Standards and Technology (NIST) Engineering Lab, Gaithersburg, MD; AFP Consortium, Corvallis, OR; Association for Digital Document Standards e.V., Berlin, Germany; and Aras Corporation, Andover, MA, have withdrawn as parties to this venture.

Additionally, ITI TranscenData Business has changed its name to ITI, a Wipro company, Milford, OH.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 3D PDF intends to file additional written notifications disclosing all changes in membership.

On March 27, 2012, 3D PDF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 20, 2012 (77 FR 23754).

The last notification was filed with the Department on February 21, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 11, 2020 (85 FR 14247).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02919 Filed 2–11–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on January 15, 2021, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Spectrum Consortium (''NSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, PAE Applied Technologies, Fort Worth, TX; Mantech Advanced Systems International Incorporated, Herndon, VA; Intelsat General Communications LLC, McLean, VA; Micron Technology Inc., Seattle, WA; CellAntenna Corporation, Coral Springs, FL; NxGen Partners Manager, LLC, Dallas, TX; Granite Telecommunications, McLean, VA; 1901 Group, LLC, Reston, VA; Anritsu Company, Morgan Hills, CA; Capraro Technologies, Inc., Utica, NY; Cirrus360 LLC, Richardson, TX; Rafael System Global Sustainment, LLC, Bethesda, MD; Gigamon Inc., Santa Clara, CA; MedCognition, Inc., San Antonio, TX; Kutta Technologies, Inc., Phoenix, AZ have been added as parties to this venture.

Also, Ball Aerospace & Technologies Corp, Fairborn, OH; Beatty and Company Computing Inc., Southlake, TX; Sprint Solutions, Inc., Overland Park, KS; Indiana Tool & Mfg. Co., Inc. DBA ITAMCO, Plymouth, IN; Bear Systems, Boulder, CO; Vectrona, LLC, Virginia Beach, VA; Pareto Frontier, LLC, Westford, MA; IJK Controls LLC, Dallas, TX; IMSAR LLC, Springville, UT; Phase Sensitive Innovations, Inc., Newark, DE; Technology Unlimited Group, San Diego, CA; University of Arizona—Electrical and Computer Engineering, Tucson, AZ have withdrawn as parties from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends to file additional written notifications disclosing all changes in membership.

On September 24, 2014, NSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on November 10, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 23, 2020 (85 FR 74762).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2021–02918 Filed 2–11–21; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Exemption Application No. D–12018]

Proposed Exemption for Certain Prohibited Transaction Restrictions Involving DWS Investment Management Americas, Inc. (DIMA or the Applicant) and Certain Current and Future Asset Management Affiliates of Deutsche Bank AG (Each a DB QPAM) Located in New York, New York

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document provides notice of the pendency before the Department of Labor (the Department) of a proposed individual exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). If this proposed exemption is granted, certain entities with specified relationships to Deutsche Bank AG will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14.

DATES: If granted, this proposed exemption will be in effect for a period of three (3) years beginning on April 18, 2021. Written comments and requests for a public hearing on the proposed exemption should be submitted to the Department by March 22, 2021.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 200 Constitution Avenue NW, Suite 400, Washington, DC 20210, Attention: Application No. D–12018 or via private delivery service or courier to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 122 C St. NW, Suite 400, Washington, DC 20001. Attention: Application No. D–12018. Interested persons may also submit comments and/or hearing requests to EBSA via email to *e-OED@dol.gov* or by FAX to (202) 693–8474, or online through *http://www.regulations.gov.* Any such comments or requests should be sent by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210. See **SUPPLEMENTARY INFORMATION** below for additional information regarding comments.

FOR FURTHER INFORMATION CONTACT: Frank Gonzalez of the Department at (202) 693–8553. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Comments

Comments should state the nature of the person's interest in the proposed exemption and the manner in which the person would be adversely affected by the exemption, if granted. Any person who may be adversely affected by an exemption can request a hearing on the exemption. A request for a hearing must state: (1) The name, address, telephone number, and email address of the person making the request; (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption; and (3) a statement of the issues to be addressed and a general description of the evidence to be presented at the hearing. The Department will grant a request for a hearing made in accordance with the requirements above where a hearing is necessary to fully explore material factual issues identified by the person requesting the hearing. A notice of such hearing shall be published by the Department in the **Federal Register**. The Department may decline to hold a hearing if: (1) The request for the hearing does not meet the requirements above; (2) the only issues identified for exploration at the hearing are matters of law; or (3) the factual issues identified can be fully explored through the submission of evidence in written (including electronic) form.

Warning: All comments received will be included in the public record without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential or other information whose disclosure is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. However, if EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment. Additionally, the *http://www.regulations.gov* website is an ''anonymous access'' system, which means EBSA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EBSA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the internet.

Background

The Department is considering granting an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act), and section 4975(c)(2) of the Internal Revenue Code of 1986, as amended (the Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (75 FR 66637, 66644, October 27, 2011).[1] If the proposed exemption is granted, certain qualified professional asset managers within the corporate family of Deutsche Bank AG (Deutsche Bank), including DWS Investment Management Americas Inc. (DIMA or the Applicant), and certain current and future affiliates of Deutsche Bank (each a DB QPAM) shall not be precluded from relying on the class exemptive relief granted in Prohibited Transaction Exemption (PTE) 84–14 (PTE 84–14 or the QPAM Class Exemption), notwithstanding the 2017 criminal conviction of DB Group Services UK Limited (the U.S. Conviction), provided the conditions set forth in the exemption are met.[2] This proposed exemption, if granted, will be effective for a period of three (3) years beginning on April 18, 2021, provided that the conditions, as set forth below in Section I are satisfied.

Summary of Facts and Representations [3]

Deutsche Bank

1. Deutsche Bank is a publicly-held global banking and financial services company headquartered in Frankfurt, Germany. Deutsche Bank, with and through its affiliates, subsidiaries, and branches, provides a wide range of services to corporations, institutions, governments, employee benefit plans, and private investors, among others.

2. Deutsche Bank's asset management affiliates that currently qualify as ''qualified professional asset managers'' (as defined in Section VI(a) of PTE 84–14),[4] and that rely on the relief provided by PTE 84–14, are DIMA, a Delaware corporation; RREEF America L.L.C., a Delaware limited liability company; DWS Alternatives Global Limited, an entity based in London, United Kingdom; and DWS Investments Australia Limited, which is based in Sydney, Australia (the DB QPAMs). The DB QPAMs' clients include plans that are subject to Part 4 of Title I of ERISA (ERISA Plans) or section 4975 of the Code (IRAs) with respect to which the DB QPAMs rely on PTE 84–14, or with respect to which the DB Affiliated QPAMs (or a Deutsche Bank affiliate) have expressly represented that the managers qualify as a QPAM or rely on the QPAM Exemption. The proposed exemption refers to these plans as

[1] For purposes of this proposed exemption, references to specific provisions of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[2] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010), hereinafter referred to as ''PTE 84–14'' or the ''QPAM Exemption.''

[3] The Summary of Facts and Representations is based on the Applicant's representations, and does not reflect factual findings or opinions of the Department, unless indicated otherwise.

[4] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

Covered Plans. For purposes of this proposed exemption, a Covered Plan does not include an ERISA-covered plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.

Relevant ERISA Provisions and PTE 84–14

3. The rules set forth in section 406 of ERISA and section 4975(c)(1) of the Code proscribe certain ''prohibited transactions'' between plans and related parties with respect to those plans. Under ERISA, such parties are known as ''parties in interest.'' Under section 3(14) of ERISA, parties in interest with respect to a plan include, among others, the plan fiduciary, a sponsoring employer of the plan, a union whose members are covered by the plan, service providers with respect to the plan, and certain of their affiliates.[5]

4. The prohibited transaction provisions under section 406(a) of ERISA and 4975(c)(1) of the Code prohibit, in relevant part, sales, leases, loans or the provision of services between a party in interest and a plan (or an entity whose assets are plan assets), as well as the use of plan assets by or for the benefit of, or a transfer of plan assets to, a party in interest.[6] Under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department has the authority to grant exemptions from such ''prohibited transactions'' in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).

5. PTE 84–14 reflects the Department's conclusion that it could provide broad relief from the prohibited transaction provisions of section 406(a) of ERISA and 4975(c)(1) of the Code, in the circumstances set forth in that exemption, only if the commitments and the investments of plan assets, and the negotiations leading thereto, are the sole responsibility of an independent, discretionary manager.

6. Section I(g) of PTE 84–14 prevents an entity that may otherwise meet the definition of a QPAM from utilizing the exemptive relief provided by PTE 84–14, for itself and its client plans, if that entity or an ''affiliate''[7] thereof or any owner, direct or indirect, of a 5 percent or more interest in the QPAM has, within 10 years immediately preceding the transaction, been either convicted or released from imprisonment, whichever is later, as a result of criminal activity described in that section.

7. The inclusion of Section I(g) in PTE 84–14 is, in part, based on an expectation that QPAMs will maintain a high standard of integrity. This expectation extends not only to the QPAM itself, but also to those who may be in a position to influence the policies of the QPAM.

Prior Conviction and Related Exemptions

8. On October 11, 2011, DIMA first requested an administrative exemption from the Department (the First Request) to allow certain DB QPAMs to continue utilizing the relief set forth in PTE 84–14, notwithstanding an impending criminal conviction of Deutsche Securities Korea Co. (DSK), a Deutsche Bank subsidiary based in the Republic of Korea (Korea), under Korean law for spot/futures-linked market price manipulation (the Korean Conviction).

9. While the Department was considering the First Request, DIMA submitted a second exemption application (the Second Request) to allow certain DB QPAMs to continue relying on PTE 84–14 for a period of 10 years, notwithstanding both the Korean Conviction, and the then-anticipated additional criminal conviction of DB Group Services UK Limited (DB Group Services), Deutsche Bank's indirect wholly-owned subsidiary based in London, United Kingdom, under U.S. law for one count of wire fraud in connection with its role in manipulating the United States Dollar (U.S. Dollar) based London Interbank Offered Rate (LIBOR) (the U.S. Conviction).

10. On September 4, 2015, the Department published PTE 2015–15, in connection with the First Request, which provided temporary exemptive relief permitting DB QPAMs to continue relying on PTE 84–14 for a period of nine months, notwithstanding the Korean Conviction.[8] PTE 2015–15 had an effective date of January, 25, 2016, which was the day on which the Korean court entered the Korean Conviction.

11. On October 28, 2016, the Department granted PTE 2016–12, also in connection with the First Request, which extended the relief provided in PTE 2015–15.[9] PTE 2016–12 had an effective date of October 24, 2016, and was scheduled to end on the earlier of April 23, 2017, or the effective date of the Department's final action in connection with the exemption request.

12. On December 22, 2016, the Department published PTE 2016–13, in connection with the Second Request, which granted temporary exemptive relief permitting DB QPAMs to rely on PTE 84–14 for a period of nine months, notwithstanding the Korean Conviction and the U.S. Conviction (collectively, the Convictions).[10] PTE 2016–13 had an effective date of April 18, 2017, ending on the earlier of twelve months or the effective date of the Department's grant of permanent exemptive relief.

13. On December 29, 2017, the Department granted PTE 2017–04,[11] which provided temporary exemptive relief, permitting the DB QPAMs to continue to rely on PTE 84–14 for a period of three years beginning April 18, 2018, and ending on April 17, 2021, notwithstanding the Convictions. Thereafter, on February 18, 2018, the Department issued certain technical corrections with respect to PTE 2017–04.[12]

14. On December 12, 2018, Korea's Seoul High Court for the 7th Criminal Division reversed the Seoul Central District Court's decision and declared the defendants not guilty. Korea's Seoul High Court's decision is currently under appellate review.

The Applicant's Third Exemption Request

15. On April 24, 2020, the Applicant submitted another prohibited transaction exemption application (the Third Request) seeking to extend the relief provided in PTE 2017–04, which expires on April 17, 2021, for an additional six years. The Applicant requested that the reversed Korean Conviction not be taken into consideration in enacting conditions for the Third Request.

[5] Under the Code such parties, or similar parties, are referred to as ''disqualified persons.''

[6] The prohibited transaction provisions also include certain fiduciary prohibited transactions under section 406(b) of ERISA and 4975(c)(1)(E) and (F) of the Code. These include transactions involving fiduciary self-dealing, fiduciary conflicts of interest, and kickbacks to fiduciaries. PTE 84–14 provides only very narrow conditional relief for transactions described in Section 406(b) of ERISA.

[7] Section VI(d) of PTE 84–14 defines the term ''affiliate'' for purposes of Section I(g) as ''(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person, (2) Any director of, relative of, or partner in, any such person, (3) Any corporation, partnership, trust or unincorporated enterprise of which such person is an officer, director, or a 5 percent or more partner or owner, and (4) Any employee or officer of the person who—(A) Is a highly compensated employee (as defined in Section 4975(e)(2)(H) of the Code) or officer (earning 10 percent or more of the yearly wages of such person), or (B) Has direct or indirect authority, responsibility or control regarding the custody, management or disposition of plan assets.''

[8] 80 FR 53574 (September 4, 2015).

[9] 81 FR 75153 (October 28, 2016).

[10] 81 FR 94028 (December 22, 2016).

[11] 82 FR 61840 (December 29, 2017).

[12] Unless otherwise noted, PTEs 2015–15, 2016–12, 2016–13, and 2017–04 are also referred to herein as the ''Prior Exemptions.''

16. According to the Applicant, since the granting of PTE 2017–04, the DB QPAMs have enhanced their policies and procedures, implemented numerous protocols to improve their compliance processes, and acted in accordance with a culture of regulatory compliance in the asset management business. The Applicant states that, if the extension of PTE 2017–04 is denied, the DB QPAMs may be effectively eliminated as asset managers for many ERISA-covered plans and IRAs because they would be unable to provide the trading efficiencies and breadth of investment choices and potential counterparties afforded by the QPAM Exemption.

17. The Applicant states that the proposed exemption may prevent the following harms/costs to affected plans: Loss of plans' preferred asset manager; fees incurred to search, hire and transition to a new private manager; and/or transaction costs relating to early liquidation of real estate and other investments.

18. The Department specifically requests that the Applicant provide information verifying the various potential costs and harms associated with denial of the exemption. In addition, the Department requests that the Applicant provide information on the size of any adverse impacts relative to the size of the affected portfolios; any costs or harms in excess of the normal transaction costs associated with changing asset managers; and the basis for concluding that any benefits to affected investors would be insufficient to offset any transaction costs or other adverse impacts flowing from denial of the exemption. The Department also specifically requests comments from the public, particularly including Covered Plans and IRA owners, on these same issues, including the magnitude of possible costs or harms, if any, that would stem from denial of the exemption, as well as the public's views on whether the Department should deny the exemption, rather than adopt the proposal as set forth herein.

Applicant's Requested Modifications to PTE 2017–04: No More Audits

19. The Applicant requests that the DB QPAMs not be required to undergo further independent audits because: (a) The Independent Auditor determined that the DB QPAMs adhered to the conditions in the previously granted related exemptions; (b) the U.S. Conviction occurred outside of the DB QPAMs' operations, in an entity that is entirely separate from the asset management business; (c) the need for the current exemption rests on a single crime, and the exemption should be treated consistently with other similarly-situated applicants; [13] (d) the Compliance Officer requirement that PTE 2017–04 imposed is a reasonable substitute for a full audit; and (e) elimination of the audit requirement would benefit Covered Plan participants because audits are expensive and require the expenditure of significant amounts of time by the asset managers' control functions.

20. Alternatively, in the event that the Department requires additional audits, the Applicant asks the Department to impose an audit requirement every other year, as imposed on other applicants convicted of a single crime.

Department's Response: As noted by the Applicant, the Department has previously granted individual exemptions containing biennial audits, that permit asset managers to continue to rely on the relief provided by PTE 84–14, notwithstanding a single violation of Section I(g) of PTE 84–14. Those exemptions (the FX Exemptions) arose from judgments of convictions against JPMorgan Chase & Co., Citicorp and Barclays PLC, for violations of the Sherman Antitrust Act, 15 U.S.C. 1, for criminal misconduct affecting the Foreign Exchange (FX) Spot Market (the FX Convictions). The conditions in the FX Exemptions include a biennial audit.

21. In developing the FX Exemptions, the Department considered a variety of factors associated with the criminal misconduct that gave arise to the FX Convictions. In granting the FX Exemptions, the Department determined that a biennial audit, combined with the FX Exemptions' other protective conditions, provided adequate protection for affected Covered Plans.

22. With respect to this proposed exemption, the Department considered a variety of factors specific to this application. The scope and seriousness of the misconduct by the DB Group Services' traders (the Traders) was extensive and egregious. The Traders manipulated LIBOR, which is a variable rate that is linked to the global derivatives market, which includes plan investors. According to the Statement of Facts filed in the U.S. Conviction, from approximately 2003 through at least 2010, the Traders defrauded their counterparties by secretly manipulating the LIBOR for the U.S. Dollar, Yen, and Pound Sterling, as well as the EURIBOR (collectively, the IBORs). The Traders requested that the IBORs submitters that Deutsche Bank employed send IBORs that would benefit the traders' derivatives positions rather than accurate rates that comported with the definitional provisions governing IBORs. The Traders' misconduct affected the value, and cash flows, of derivatives contracts, including interest rate swap contracts.

23. The Department also notes that on January 8, 2021, Deutsche Bank entered into a deferred prosecution agreement with the U.S. Department of Justice. Deutsche Bank agreed to pay more than $130 million to resolve the U.S. government's investigation into violations of the Foreign Corrupt Practices Act (FCPA) and a separate investigation into a commodities fraud scheme. The resolution includes criminal penalties of $85,186,206, criminal disgorgement of $681,480, victim compensation payments of $1,223,738, and $43,329,622 to be paid to the U.S. Securities & Exchange Commission. In the deferred prosecution agreement, Deutsche Bank admitted, accepted, and acknowledged that, among other things, it was responsible under United States law for the acts of its officers, directors, employees, and agents, as charged. The charges stem from a scheme to conceal corrupt payments and bribes made to third-party intermediaries by making false entries on Deutsche Bank's books and records, as well as related internal accounting control violations, and a separate scheme to engage in fraudulent and manipulative commodities trading practices involving publicly-traded precious metals futures contracts. The FCPA misconduct occurred between 2009 and 2016, and the Commodities fraud misconduct occurred between 2009 and 2013.

24. After reviewing the record, including evidence of the magnitude, gravity, duration and pervasiveness of the LIBOR misconduct, the FCPA misconduct, and the commodities fraud misconduct, the Department believes that a three-year exemption with annual audits is appropriate. The Department further views it as appropriate to preclude relief to the extent that either: The DB QPAMs were involved in the conduct that gave rise to the deferred prosecution agreement; or Covered Plan assets were involved in the transactions that gave rise to the deferred prosecution agreement. A three-year exemption will enable the Department to review the DB QPAMs' ongoing compliance efforts after a reasonable period, and determine whether any adjustments are necessary to the conditions of this exemption. The need for such ongoing review is amply

[13] The Applicant cited the following individual exemptions: PTE 2017–03, JPMorgan Chase & Co., 82 FR 61816 (December 29, 2017); PTE 2017–05, Citigroup Inc., 82 FR 61816 (December 29, 2017); and PTE 2017–06, Barclays Capital Inc., 82 FR 61816 (December 29, 2017).

supported by the seriousness of the misconduct cited above. In addition, however, the Department notes recent media reports concerning potential misconduct relating to the sale of a wide range of investment products, including hedges, swaps, and derivatives; a possible price-fixing conspiracy relating to Treasury securities; possible violations of the Markets in Financial Instruments Directive; and other matters.[14] The Department requests comments from the Applicant and interested parties with information on these matters and their bearing on whether to grant the proposed exemption on the terms proposed.

Applicant's Requested Modification to PTE 2017–04: Removal of DSK and Revision of the Term ''Convictions.''

25. PTE 2017–04 provides relief for the U.S. Conviction and the Korean Conviction, using the defined term ''Convictions.''[15] The Applicant notes that DSK's conviction in Korea was reversed, and requests that this proposed exemption redefine the term ''Convictions'' to reference only the U.S. Conviction. The Applicant further requests that the Department remove all references to ''DSK'' in the operative language of the proposed exemption.

Department's Response: The Department concurs with the Applicant's request.

26. *Employees Covered by Sections I(a) and I(b).* Section I(a) of PTE 2017–04 provides, in pertinent part, that: ''*[t]he DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such QPAMs) did not know of, have reason to know of, or participate in the criminal conduct . . .*'' In addition, Section I(b) of PTE 2017–04 provides, in pertinent part, that: ''*[t]he DB QPAMs (including their officers, directors, and agents other than Deutsche Bank, and employees of such DB QPAMs) . . .*''

27. The Applicant requests that the Department add following language to Section I(a) after the words ''such QPAMs:'' ''*Who had responsibility for, or exercised authority in connection with, the management of plan assets.*'' The Applicant requests that the Department add the following language to Section I(b) after the words ''such QPAMs:'' ''Who had responsibility for, or *exercised authority in connection with, the management of plan assets.*''

28. The Applicant notes that the above-described language is consistent with parallel provisions in some of the other individual exemptions previously granted by the Department that involve a single conviction.[16]

Department's Response: The Department is not persuaded that the conditions in this exemption should mirror the conditions in the exemptions cited by the Applicant. Each applicant for an exemption must demonstrate, and the Department must affirmatively find, on the record, that the requested relief is in the interest of, and protective of, affected plans and IRAs, and administratively feasible based on the specific record before it. In the Department's view, the original language of PTE 2017–04 remains appropriate as applied to the Applicant. The Department also notes in this connection that it will not automatically decline to impose a condition it believes appropriate for the protection of affected plans and IRAs merely because an earlier exemption does not contain that condition.

29. The conduct that is the subject of the exemptions cited by the Applicant, including the roles and corporate responsibilities of the persons who carried out that conduct, is materially different than, and distinguishable from, the conduct, including the roles and corporate responsibilities of the persons involved in the conduct that is the subject of this proposed exemption. The Applicant has not demonstrated that it would be in the interest of Covered Plans to grant relief that allows non-asset management personnel at a DB QPAM to have participated in the criminal conduct that gave rise to the U.S. Conviction. Finally, Section I(a) and (b) of this proposal are consistent with the Department's understanding of the record, which includes express representations made by the Applicant.

30. *Training Conducted Electronically.* Section I(h)(2) of PTE 2017–04 provides that: ''*Each DB QPAM must develop and implement a program of training (the Training), to be conducted at least annually, for all relevant DB QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel . . . The training must: . . . (ii) Be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code.*'' The Applicant requests that the Department add the following language to the proposed exemption: ''*[t]he Training may be conducted electronically or via website.*''

Department's Response: Section I(h)(2) of this proposed exemption is consistent with the Applicant's request, which is particularly appropriate because of the ongoing pandemic.

31. *Auditor's Failure to Comply.* Section I(i)(11) of PTE 2017–04 provides that: ''*The auditor must provide the Department, upon request, for inspection and review, access to all the work papers created and utilized in the course of the audit, provided such access and inspection is otherwise permitted by law.*'' In addition, Section I(r) of PTE 2017–04 provides that: ''*A DB QPAM will not fail to meet the terms of this exemption, solely because a different DB QPAM fails to satisfy a condition for relief described in Sections I(c), (d), (h), (i), (j), (k), (l), (o), and (q) if the independent auditor described in Section I(i) fails a provision of the exemption other than the requirement described in Section I(i)(11), provided that such failure did not result from any actions or inactions of Deutsche Bank or its affiliates.*''

32. The Applicant requests that relief to the DB QPAMs and the Covered Plans not be conditioned on the Independent Auditor's cooperation with the Department or disclosure of work papers because the DB QPAMs and the Covered Plans cannot control the Independent Auditor's actions.

Department's Response: The Department declines to make the Applicant's requested revisions. The Department expects the DB QPAMs and the Independent Auditor to make every effort to ensure that their respective responsibilities under the exemption are fulfilled, and to contact the Office of Exemption Determinations in a timely manner any time guidance is needed.

33. *Modification of Notice Requirements.* PTE 2017–04 requires that various notifications be given to Covered Plan clients, such as a notice of clients' right to receive summary policies. The Applicant requests that this proposed exemption not require current Covered Plan clients to receive notifications that they previously received pursuant to PTE 2017–04.

[14] Dominic Lau, et al., *Deutsche Bank Probing Sales of Investment Banking Products, Bloomberg.com, https://www.bloomberg.com/news/articles/2021-01-24/deutsche-bank-probes-misselling-of-investment-bank-products-ft* (last updated Jan. 25, 2021).

[15] Specifically, Section II(a) of PTE 2017–04 defines the term ''Convictions'' to mean, in part: (1) The judgment of conviction against DB Group Services, in Case 3:15–cr–00062–RNC to be entered in the United States District Court for the District of Connecticut to a single count of wire fraud, in violation of 18 U.S.C. 1343, and (2) the judgment of conviction against DSK entered on January 25, 2016, in Seoul Central District Court, relating to charges filed against DSK under Articles 176, 443, and 448 of South Korea's Financial Investment Services and Capital Markets Act for spot/futures-linked market price manipulation.

[16] PTE 2017–03, 82 FR 61816 (December 29, 2017); PTE 2017–05, 82 FR 61816 (December 29, 2017); and PTE 2017–06, 82 FR 61816 (December 29, 2017).

Department's Response: Section I(j)(7) of this proposal is consistent with the Applicant's request.

34. *Miscellaneous Provisions.* The Applicant requests to modify the term ''General Counsel'' as referred to in PTE 2017–04, and changing such term to ''general counsel'' since it is not a defined term.

Department's Response: This proposed exemption uses the term ''the QPAM's general counsel'' to clarify relevant provisions of the proposed exemption.

35. Lastly, the Applicant requests adding the phrase ''or modifying'' to the definition of Covered Plan in Section II(b) of PTE 2017–04, to clarify that a disclaimer may be made in a modification of a contract, arrangement, or agreement with a Covered Plan. The definition, once modified, would read, in pertinent part: ''*A Covered Plan does not include an ERISA-covered Plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into or modifying its contract, arrangement, or agreement with the ERISA-covered plan or IRA.*''

Department's Response: The Department declines to make the requested revision. The Applicant has not demonstrated that each of the DB QPAM's processes for modifying its contracts, arrangements or agreements with Covered Plans would alert and inform a Covered Plan fiduciary to the same extent as an express disclaimer set forth in a Covered Plan's initial contract, arrangement or agreement with a DB QPAM.

Statutory Findings

36. Section 408(a) of ERISA provides, in part, that the Department may not grant an exemption unless the Department finds that the exemption is administratively feasible, in the interest of affected plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries.

a. ''*Administratively Feasible.*'' The Department has tentatively determined that the proposal is administratively feasible since, among other things, a qualified independent auditor will be required to perform an in-depth audit covering, among other things, each DB QPAM's compliance with the exemption, and a corresponding written audit report will be provided to the Department and available to the public. The independent audit will provide an incentive for, and a measure of, compliance, while reducing the immediate need for review and oversight by the Department.

b. ''*In the interest of.*'' The Department has tentatively determined that the proposed exemption is in the interests of the participants and beneficiaries of each affected Covered Plan. It is the Department's understanding, based on representations from the Applicant, that if the requested exemption is denied, Covered Plans may be unable to maintain their investment strategy with their current asset manager, and may be subject to disruptions and costs associated with changing asset managers. The DB QPAMs claim that their ERISA plan clients have long availed themselves of the benefit of the DB QPAMs' investment expertise, even after the grant of PTE 2017–04. As noted above, however, the Department specifically requests commenters, including Covered Plans and IRA owners, comment on the magnitude of costs or harms, if any, that would stem from denial of the Exemption.

37. The DB QPAMs state that granting the exemption would enable the DB QPAMs to continue to effect a wide range of beneficial transactions on their ERISA clients' behalf without undue administrative delay, or other conditions or limitations that could be disadvantageous to the ERISA plan clients. The Applicant represents that without the ability to serve as QPAMs, certain prudent and appropriate investment opportunities may not be available to the ERISA plan clients of Deutsche Bank asset managers. Here too, the Department specifically requests comments from Covered Plans and IRAs as to the specific costs or harms, if any, that would flow from denial of the exemption, including evidence as to any valuable investment opportunities that plans would have to forego, and the basis for concluding that those investments would no longer be available to plans on advantageous terms.

38. The Applicant states that PTE 84–14 is one of the most commonly used prohibited transaction exemptions and, for some transactions, may be the only available exemption. If the requested exemption were not granted, ERISA plan clients could be effectively prohibited from entering into certain transactions, either because no other exemption is available or the counterparty is not willing to enter into the transaction without the protections provided by PTE 84–14. The Applicant claims that the loss of the ability to use PTE 84–14 could significantly delay or even make impossible transactions that would be beneficial for the ERISA plans.[17]

39. The Applicant represents that Covered Plan fiduciaries expend significant resources, including time and money, in selecting asset managers for their plans. Forcing Plan fiduciaries to terminate their chosen managers—because the managers are unable to rely on PTE 84–14's relief will cause plans to incur a number of additional costs. The following costs are in addition to the opportunity costs of investing in cash pending reinvestment with a new manager; terminating such management services may result in the following specific harm to the relevant ERISA plan: Loss of the investor's preferred manager, loss of leading investment manager/performance, consulting fees, time loss in evaluating alternative investment managers, legal fees, transaction costs for direct real estate early liquidation, costs for non-direct real estate liquidation, and legal costs for new trading agreements. If the extension of PTE 2017–04 were to be denied, then the DB QPAMs may be effectively eliminated as asset managers for many Covered Plans because they would be unable to provide the trading efficiencies, breadth of investment choices, and potential counterparties afforded by the QPAM Exemption. The Department specifically seeks comments from Covered Plans and IRAs, as well as the Applicant, on the validity of these concerns and the magnitude of the associated costs and harms, if any, should the Department decline to grant the requested exemption.

c. ''*Protective of.*'' The Department has tentatively determined that this proposed exemption, if granted, is protective of Covered Plans. The proposal has a limited term of three years, and has similar conditions to PTE 2017–04. However, the Department has determined to revise certain of those conditions so that it can make its required finding that the proposed three-year exemption will be protective of the rights of participants and beneficiaries of Covered Plans. For example, this proposed exemption clarifies that the term ''participate in,'' as referenced below, refers not only to active participation in the criminal conduct that is the subject of the U.S. Conviction, but also to knowing approval of the criminal conduct that is the subject of the U.S. Conviction, or knowledge of the conduct without

[17] As noted in the text, the Department specifically requests comments on the scope and magnitude of alleged negative impacts, including any increased costs, which Covered Plans and IRAs would sustain if the Department were to deny the exemption.

taking active steps to prohibit the conduct, including reporting the conduct to the individual's supervisors, and to the Board of Directors.

40. Several of this proposed exemption's conditions are aimed at ensuring that the DB QPAMs were not involved in the conduct that gave rise to the U.S. Conviction. Accordingly, the proposal generally precludes relief to the extent the DB QPAMs were aware of, participated in, approved of, furthered, benefitted, or profited from, the conduct that gave rise to the U.S. Conviction.[18] Further, the DB QPAMs may not employ or knowingly engage any of the individuals that participated in the conduct attributable to the U.S. Conviction.

41. The proposal further provides that no DB QPAM will use its authority or influence to direct an ''investment fund'' that is subject to ERISA or the Code and managed by such DB QPAM with respect to one of more Covered Plans, to enter into any transaction with DB Group Services to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction or service may otherwise be within the scope of relief provided by an administrative or statutory exemption.

42. If granted, the exemption will terminate if Deutsche Bank or any of its affiliates are convicted of any additional crimes described in Section I(g) of PTE 84–14, or if any of the other conditions of PTE 84–14 have not been met. Also, with limited exceptions, DB Group Services will not act as a fiduciary within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets, except DB Group Services may act as such a fiduciary with respect to employee benefit plans sponsored for its own employees or employees of an affiliate.

43. The proposal requires each DB QPAM to update, implement and follow certain written policies and procedures (the Policies). These Policies are similar to the policies and procedures mandated by PTE 2017–04. In general terms, the Policies must require, and must be reasonably designed to ensure that, among other things: The asset management decisions of the DB QPAMs are conducted independently of the corporate management and business activities of DB Group Services; the DB QPAMs fully comply with ERISA's fiduciary duties, as applicable, and with ERISA and the Code's prohibited transaction provisions, as applicable; the DB QPAMs do not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans; any filings or statements made by the DB QPAMs to regulators, on behalf of or in relation to Covered Plans, are materially accurate and complete; the DB QPAMs do not make material misrepresentations or omit material information in communications with such regulators with respect to Covered Plans; the DB QPAMs do not make material misrepresentations or omit material information in communications with Covered Plans; the DB QPAMs comply with the terms of the exemption; and any violation of, or failure to comply with any of these items, is corrected as soon as reasonably possible upon discovery, or as soon after the DB QPAM reasonably should have known of the noncompliance (whichever is earlier). Any such violation or compliance failure not so corrected must be reported, upon the discovery of such failure to so correct, in writing, to appropriate corporate officers, the head of compliance and the QPAM's general counsel (or their functional equivalent), and the independent auditor responsible for reviewing compliance with the Policies.

44. This proposal mandates training (Training), which is similar to the training required under PTE 2017–04. In this regard, all relevant DB QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel must be trained during the Exemption Period. Among other things, the Training must, at a minimum, cover the Policies, ERISA and Code compliance, ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and the requirement for prompt reporting of wrongdoing. The Training must be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code.

45. Under this proposal, as in PTE 2017–04, each DB QPAM must submit to an annual audit conducted by an independent auditor. Among other things, the auditor must test a sample of each DB QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training. The auditor's conclusions cannot be based solely on the Exemption Report created by the Compliance Officer, described below, in lieu of independent determinations and testing performed by the auditor.

46. The Audit Report must be certified by the respective DB QPAM's general counsel or one of the three most senior executive officers of the DB QPAM to which the Audit Report applies. A copy of the Audit Report must be provided to the Audit Committee of Deutsche Bank's Supervisory Board. A senior executive officer, who has a direct reporting line to Deutsche Bank's highest ranking legal compliance officer, must review the Audit Report for each DB QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed each Audit Report. Deutsche Bank must notify the Department in the event of a change in the committee to which the Audit Report will be provided.

47. This proposal requires that, throughout the Exemption Period, with respect to any arrangement, agreement, or contract between a DB QPAM and a Covered Plan, the DB QPAM must agree and warrant: (i) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; and (ii) to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any inadvertent prohibited transactions). The DB QPAMs must further agree and warrant to comply with the standards of prudence and loyalty set forth in section 404 of ERISA with respect to each such ERISA-covered plan. Each DB QPAM must also agree and warrant to indemnify and hold harmless such Covered Plan for any actual losses resulting directly from any of the following: (a) A DB QPAM's violation of ERISA's fiduciary duties, as applicable, and/or the prohibited transaction provisions of ERISA and the Code, as applicable; (b) a breach of contract by the DB QPAM; or (c) any claim arising out of the failure of such DB QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the Conviction. This condition applies only to actual losses caused by the DB QPAM. The Department views actual losses arising from unwinding transactions with third parties, and from transitioning Covered Plan assets to third parties, to be ''direct'' results of violating the terms of this provision.

48. This proposed exemption contains specific notice requirements. Each DB QPAM must provide a notice regarding the proposed three-year exemption, along with a separate summary describing the facts that led to the

[18] For clarity, references to the DB QPAMs include any individual employed by or engaged to work on behalf of these QPAMs during or after the period of misconduct.

Conviction (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) that the Conviction results in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan that entered into a written asset or investment management agreement with a DB QPAM, or the sponsor of an investment fund in any case where a DB QPAM acts as a sub-adviser to the investment fund in which such ERISA-covered plan and IRA invests. The notice, Summary and Statement must be provided prior to, or contemporaneously with, the client's receipt of a written asset management agreement from the DB QPAM. The clients must receive a **Federal Register** copy of the notice of final three-year exemption within sixty (60) days of this exemption's effective date. The notice may be delivered electronically (including by an email that has a link to this three-year exemption).

49. The proposal requires that each DB QPAM maintain records necessary to demonstrate that the conditions of this exemption have been met, for six (6) years following the date of any transaction for which such DB QPAM relies upon the relief in the exemption. The proposal mandates that DB continue to designate a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct an exemption review (the Exemption Review) to determine the adequacy and effectiveness of the implementation of the Policies and Training. The Compliance Officer must be a professional with extensive relevant experience with a reporting line to the highest ranking corporate officer in charge of compliance for the applicable DB QPAM. At a minimum, the Exemption Review must include review of the following items: (i) Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer during the previous year; (ii) any material change in the relevant business activities of the DB QPAMs; and (iii) any change to ERISA, the Code, or regulations that may be applicable to the activities of the DB QPAMs.

50. The Compliance Officer must prepare a written report (an Exemption Report) that summarizes his or her material activities during the Exemption Period and sets forth any instance of noncompliance discovered during the Exemption Period, and any related corrective action. In each Exemption Report, the Compliance Officer must certify in writing that to his or her knowledge the report is accurate and note whether the DB QPAMs have complied with the Policies and Training, and/or corrected (or are correcting) any instances of noncompliance.

51. The Exemption Report must be provided to the appropriate corporate officers of Deutsche Bank and each DB QPAM to which such report relates and to the head of compliance and the QPAM's general counsel (or their functional equivalent) of the relevant DB QPAM. The Exemption Report must be made unconditionally available to the independent auditor. The Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates.

52. Deutsche Bank must also immediately disclose to the Department any deferred prosecution agreement or non-prosecution agreement with the U.S. Department of Justice, entered into by DB or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA. Deutsche Bank must also immediately provide the Department with any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement.

53. The proposal mandates that, among other things, each DB QPAM clearly and prominently inform Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the DB QPAM's written Policies developed in connection with this exemption. If the Policies are thereafter changed, each Covered Plan client must receive a new disclosure within six (6) months following the end of the calendar year during which the Policies were changed.[19] With respect to this requirement, the description may be continuously maintained on a website, provided that such website link to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan.

54. The proposal requires that DB QPAMs must comply with each condition of PTE 84–14, as amended, with the sole exception of the violation of Section I(g) of PTE 84–14 that is attributable to the U.S. Conviction. If, during the Exemption Period, an entity within the Deutsche Bank corporate structure is convicted of a crime described in Section I(g) of PTE 84–14, (other than the U.S. Conviction), as referenced in Section I(g) of PTE 84–14, relief in this proposed exemption would terminate immediately.

Department's Notes: This proposed three-year exemption provides relief from certain of the restrictions set forth in sections 406 and 407 of ERISA. No relief or waiver of a violation of any other law is provided by the exemption. The relief in this proposed three-year exemption would terminate immediately if, among other things, an entity within the Deutsche Bank corporate structure is convicted of any crime covered by Section I(g) of PTE 84–14 (other than the U.S. Conviction) during the effective period of the proposed three-year exemption. While such an entity could apply for a new exemption in that circumstance, the Department is not obligated to grant a requested exemption.

55. When interpreting and implementing this exemption, the Applicant and the DB QPAMs should resolve any ambiguities in light of the exemption's protective purposes. To the extent additional clarification is necessary, these persons or entities should contact EBSA's Office of Exemption Determinations, at 202–693–8540.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons within seven days of the publication of the notice of proposed exemption in the **Federal Register**. The notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(a)(2). The supplemental statement will inform interested persons of their right to comment on the pending exemption. All Written comments are due within thirty seven (37) days of the publication of the notice of proposed exemption in the **Federal Register**. All comments will be made available to the public.

Warning: If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All comments

[19] In the event Applicant meets this disclosure requirement through Summary Policies, changes to the Policies do not result in a requirement of a new disclosure unless the Summary Policies are no longer accurate because of the changes.

may be posted on the internet and can be retrieved by most internet search engines.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Proposed Exemption

The Department is considering granting a five-year exemption under the authority of section 408(a) of the Act (or ERISA) and section 4975(c)(2) of the Internal Revenue Code (or Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[20] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of proposed exemption is issued solely by the Department.

Section I. Covered Transactions

The DB QPAMs, as further defined in Section II(c), will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption 84–14 (PTE 84–14),[21] notwithstanding the ''U.S. Conviction'' against DB Group Services (as further defined in Section II(a)), during the Exemption Period, provided that the following conditions are satisfied:[22]

(a) The DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such QPAMs) did not know of, have reason to know of, or participate in the criminal conduct of DB Group Services that is the subject of the U.S. Conviction. For purposes of this exemption, ''participate in'' or ''participated in'' refers not only to active participation in the criminal conduct that is the subject of the U.S. Conviction, but also to knowing approval of the criminal conduct that is the subject of the U.S. Conviction, or knowledge of the conduct without taking active steps to prohibit the conduct, including reporting the conduct to the individual's supervisors, and to the Board of Directors;

(b) The DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such QPAMs) did not receive direct compensation, or knowingly receive indirect compensation, in connection with the criminal conduct that is the subject of the U.S. Conviction.

(c) The DB QPAMs do not currently and will not in the future employ or knowingly engage any of the individuals that ''participated in'' the criminal conduct that is the subject of the U.S. Conviction;

(d) At all times during the Exemption Period, no DB QPAM will use its authority or influence to direct an ''investment fund'' (as defined in Section VI(b) of PTE 84–14) that is subject to ERISA or the Code and managed by such DB QPAM with respect to one or more Covered Plan (as defined in Section II(b), to enter into any transaction with DB Group Services, or to engage DB Group Services to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction, or service, may otherwise be within the scope of relief provided by an administrative or statutory exemption;

(e) Any failure of the DB QPAMs to satisfy Section I(g) of PTE 84–14 arose solely from the U.S. Conviction;

(f) A DB QPAM did not exercise authority over the assets of any plan subject to Part 4 of Title I of ERISA (an ERISA-covered plan) or section 4975 of the Code (an IRA) in a manner that it knew, or should have known, would: Further the criminal conduct that is the subject of the U.S. Conviction; or cause the DB QPAM or its affiliates to directly, or indirectly, profit from the criminal conduct that is the subject of the U.S. Conviction;

(g) Other than with respect to employee benefit plans maintained or sponsored for its own employees or the employees of an affiliate, DB Group Services will not act as a fiduciary within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets; provided, however, DB Group Services will not be treated as violating the conditions of this exemption solely because it acted as an investment advice fiduciary within the meaning of section 3(21)(A)(ii) of ERISA, or section 4975(e)(3)(B) of the Code, or because DB Group Services employees may be double-hatted, seconded, supervised or otherwise subject to the control of a DB QPAM, including in a discretionary fiduciary capacity with respect to the DB QPAM clients;

(h)(1) Each DB QPAM must continue to maintain, adjust (to the extent necessary), implement and follow written policies and procedures (the Policies). The Policies must require, and must be reasonably designed to ensure that:

(i) The asset management decisions of the DB QPAM are conducted independently of the corporate management and business activities of DB Group Services;

[20] For purposes of this proposed five-year exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[21] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430, (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

[22] Section I(g) of PTE 84–14 generally provides relief only if ''[n]either the QPAM nor any affiliate thereof . . . nor any owner . . . of a 5 percent or more interest in the QPAM is a person who within the 10 years immediately preceding the transaction has been either convicted or released from imprisonment, whichever is later, as a result of'' certain felonies including fraud.

(ii) The DB QPAM fully complies with ERISA's fiduciary duties and with ERISA and the Code's prohibited transaction provisions, in each such case as applicable with respect to each Covered Plan, and does not knowingly participate in any violation of these duties and provisions with respect to Covered Plans;

(iii) The DB QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans;

(iv) Any filings or statements made by the DB QPAM to regulators, including, but not limited to, the Department, the Department of the Treasury, the Department of Justice, and the Pension Benefit Guaranty Corporation, on behalf of or in relation to Covered Plans, are materially accurate and complete, to the best of such QPAM's knowledge at that time;

(v) To the best of the DB QPAM's knowledge at the time, the DB QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to Covered Plans, or make material misrepresentations or omit material information in its communications with Covered Plans;

(vi) The DB QPAM complies with the terms of this exemption; and

(2) Any violation of, or failure to comply with an item in subparagraphs (h)(1)(ii) through (h)(1)(vi), is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and any such violation or compliance failure not so corrected is reported, upon the discovery of such failure to so correct, in writing, to the head of compliance and the DB QPAM's general counsel (or their functional equivalent) of the relevant DB QPAM that engaged in the violation or failure, and the independent auditor responsible for reviewing compliance with the Policies. A DB QPAM will not be treated as having failed to develop, implement, maintain, or follow the Policies, provided that it corrects any instance of noncompliance as soon as reasonably possible upon discovery, or as soon as reasonably possible after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and provided that it adheres to the reporting requirements set forth in this subparagraph (2);

(3) Each DB QPAM must maintain, adjust (to the extent necessary) and implement a program of training (the Training), to be conducted at least annually, for all relevant DB QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel. The Training must:

(i) At a minimum, cover the Policies, ERISA and Code compliance (including applicable fiduciary duties and the prohibited transaction provisions), ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and prompt reporting of wrongdoing; and

(ii) Be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code; and

(iii) Be conducted in-person, electronically or via a website;

(i)(1) Each DB QPAM submits to three audits conducted annually by an independent auditor, who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code, to evaluate the adequacy of, and each DB QPAM's compliance with, the Policies and Training described herein. The audit requirement must be incorporated in the Policies. The first audit must cover a 12 month period that begins on April 18, 2021 and ends on April 17, 2022. The second and third audits must cover the 12 month period that begins on April 18, 2022, and April 18, 2023, respectively. Each of the three annual audits must be completed no later than six (6) months after the corresponding audit's ending period;

(2) Within the scope of the audit and to the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions described herein, and only to the extent such disclosure is not prevented by state or federal statute, or involves communications subject to attorney-client privilege, each DB QPAM and, if applicable, Deutsche Bank, will grant the auditor unconditional access to its business, including, but not limited to: Its computer systems; business records; transactional data; workplace locations; Training materials; and personnel. Such access is limited to information relevant to the auditor's objectives, as specified by the terms of this exemption;

(3) The auditor's engagement must specifically require the auditor to determine whether each DB QPAM has developed, implemented, maintained, and followed the Policies in accordance with the conditions of this exemption, and has developed and implemented the Training, as required herein;

(4) The auditor's engagement must specifically require the auditor to test each DB QPAM's operational compliance with the Policies and Training. In this regard, the auditor must test, for each QPAM, a sample of such QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training;

(5) For each audit, on or before the end of the relevant period described in Section I(i)(1) for completing the audit, the auditor must issue a written report (the Audit Report) to Deutsche Bank, and the DB QPAM to which the audit applies that describes the procedures performed by the auditor in connection with its examination. The auditor, at its discretion, may issue a single consolidated Audit Report that covers all the DB QPAMs. The Audit Report must include the auditor's specific determinations regarding:

(i) The adequacy of each DB QPAM's Policies and Training; each DB QPAM's compliance with the Policies and Training; the need, if any, to strengthen such Policies and Training; and any instance of the respective DB QPAM's noncompliance with the written Policies and Training described above. The DB QPAM must promptly address any noncompliance. The DB QPAM must promptly address or prepare a written plan of action to address any determination as to the adequacy of the Policies and Training and the auditor's recommendations (if any) with respect to strengthening the Policies and Training of the respective QPAM. Any action taken or the plan of action to be taken by the DB QPAM must be included in an addendum to the Audit Report (such addendum must be completed prior to the certification described in Section I(i)(7) below). In the event such a plan of action to address the auditor's recommendation regarding the adequacy of the Policies and Training is not completed by the time of submission of the Audit Report, the following period's Audit Report must state whether the plan was satisfactorily completed. Any determination by the auditor that the respective DB QPAM has implemented, maintained, and followed sufficient Policies and Training must not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that a DB QPAM has complied with the requirements under this subparagraph must be based on evidence that the particular DB QPAM has actually implemented, maintained, and followed the Policies and Training required by this exemption. Furthermore, the auditor must not solely rely on the Exemption Report

created by the compliance officer (the Compliance Officer), as described in Section I(m) below as the basis for the auditor's conclusions in lieu of independent determinations and testing performed by the auditor as required by Section I(i)(3) and (4) above;

(ii) The adequacy of the most recent Exemption Review described in Section I(m);

(6) The auditor must notify the respective DB QPAM of any instance of noncompliance identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

(7) With respect to each Audit Report, the DB QPAM's general counsel, or one of the three most senior executive officers of the line of business engaged in discretionary asset management services through the DB QPAM with respect to which the Audit Report applies, must certify in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; that, to the best of such officer's knowledge at the time, the such DB QPAM has addressed, corrected, remedied any noncompliance and inadequacy or has an appropriate written plan to address any inadequacy regarding the Policies and Training identified in the Audit Report. Such certification must also include the signatory's determination that, to the best of such officer's knowledge at the time, the Policies and Training in effect at the time of signing are adequate to ensure compliance with the conditions of this exemption, and with the applicable provisions of ERISA and the Code;

(8) The Audit Committee of Deutsche Bank's Supervisory Board is provided a copy of each Audit Report; and a senior executive officer with a direct reporting line to the highest ranking legal compliance officer of Deutsche Bank must review the Audit Report for each DB QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed each Audit Report. Deutsche Bank must provide notice to the Department in the event of a switch in the committee to which the Audit Report will be provided;

(9) Each DB QPAM provides its certified Audit Report, by regular mail to: Office of Exemption Determinations (OED), 200 Constitution Avenue NW, Suite 400, Washington, DC 20210; or by private carrier to: 122 C Street NW, Suite 400, Washington, DC 20001–2109. This delivery must take place no later than forty-five (45) days following completion of the Audit Report. The Audit Report will be made part of the public record regarding this exemption. Furthermore, each DB QPAM must make its Audit Report unconditionally available, electronically or otherwise, for examination upon request by any duly authorized employee or representative of the Department, other relevant regulators, and any fiduciary of a Covered Plan;

(10) Any engagement agreement with an auditor to perform the audit required by this exemption must be submitted to OED no later than two months after the execution of such agreement;

(11) The auditor must provide the Department, upon request, for inspection and review, access to all the workpapers created and used in connection with the audit, provided such access and inspection is otherwise permitted by law; and

(12) Deutsche Bank must notify the Department of a change in the independent auditor no later than two (2) months after the engagement of a substitute or subsequent auditor and must provide an accurate explanation of the basis for the substitution or change including an accurate description of any material disputes between the terminated auditor and Deutsche Bank or any of its affiliates;

(j) As of April 18, 2021, with respect to any arrangement, agreement, or contract between a DB QPAM and a Covered Plan, the DB QPAM agrees and warrants to Covered Plans:

(1) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any inadvertent prohibited transactions); and to comply with the standards of prudence and loyalty set forth in section 404 of ERISA, with respect to each such ERISA-covered plan and IRA to the extent that section 404 is applicable;

(2) To indemnify and hold harmless the Covered Plan for any actual losses resulting directly from a DB QPAM's violation of ERISA's fiduciary duties, as applicable, and of the prohibited transaction provisions of ERISA and the Code, as applicable; a breach of contract by the QPAM; or any claim arising out of the failure of such DB QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the U.S. Conviction. This condition applies only to actual losses caused by the DB QPAM's violations.

(3) Not to require (or otherwise cause) the Covered Plan to waive, limit, or qualify the liability of the DB QPAM for violating ERISA or the Code or engaging in prohibited transactions;

(4) Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement with the DB QPAM with respect to any investment in a separately managed account or pooled fund subject to ERISA and managed by such QPAM, with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors. In connection with any such arrangements involving investments in pooled funds subject to ERISA entered into after the effective date of PTE 2017–04, the adverse consequences must relate to a lack of liquidity of the underlying assets, valuation issues, or regulatory reasons that prevent the fund from promptly redeeming an ERISA-covered plan's or IRA's investment, and such restrictions must be applicable to all such investors and effective no longer than reasonably necessary to avoid the adverse consequences;

(5) Not to impose any fees, penalties, or charges for such termination or withdrawal with the exception of reasonable fees, appropriately disclosed in advance, that are specifically designed to prevent generally recognized abusive investment practices or specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such fees are applied consistently and in like manner to all such investors; and

(6) Not to include exculpatory provisions disclaiming or otherwise limiting liability of the DB QPAM for a violation of such agreement's terms. To the extent consistent with Section 410 of ERISA, however, this provision does not prohibit disclaimers for liability caused by an error, misrepresentation, or misconduct of a plan fiduciary or other party hired by the plan fiduciary who is independent of Deutsche Bank, and its affiliates, or damages arising from acts outside the control of the DB QPAM; and

(7) By August 18, 2021, each DB QPAM must provide a notice of its obligations under this Section I(j) to each Covered Plan. For Covered Plans that enter into a written asset or investment management agreement with a DB QPAM on or after April 18, 2021, the DB QPAM must agree to its obligations under this section I(j) in an updated investment management agreement between the DB QPAM and such clients or other written contractual

agreement. Notwithstanding the above, a DB QPAM will not violate the condition solely because a Covered Plan or IRA refuses to sign an updated investment management agreement. This condition will be deemed met for each Covered Plan that received notice pursuant to PTE 2017–04 that meets the terms of this condition.

(k) Each DB QPAM provides a notice regarding the proposed exemption, along with a separate summary describing the facts that led to the U.S. Conviction (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) that the U.S. Conviction results in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan that entered into a written asset or investment management agreement with a DB QPAM, or the sponsor of an investment fund in any case where a DB QPAM acts as a sub-adviser to the investment fund in which such ERISA-covered plan and IRA invests. The notice, Summary and Statement must be provided prior to, or contemporaneously with, the client's receipt of a written asset management agreement from the DB QPAM. The clients must receive a **Federal Register** copy of the notice of final exemption within sixty (60) days of this exemption's effective date. The notice may be delivered electronically (including by an email that has a link to this exemption);

(l) The DB QPAMs must comply with each condition of PTE 84–14, as amended, with the sole exception of the violation of Section I(g) of PTE 84–14 that is attributable to the U.S. Conviction;

(m)(1) Deutsche Bank continues to designate a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct an annual review for each twelve month period, beginning on April 18, 2021, (the Exemption Review) to determine the adequacy and effectiveness of the implementation of the Policies and Training. With respect to the Compliance Officer, the following conditions must be met:

(i) The Compliance Officer must be a professional who has extensive experience with, and knowledge of, the regulation of financial services and products, including under ERISA and the Code; and

(ii) The Compliance Officer must have a direct reporting line to the highest ranking corporate officer in charge of legal compliance for asset management;

(2) With respect to each Exemption Review, the following conditions must be met:

(i) The Exemption Review includes a review of the DB QPAM's compliance with and effectiveness of the Policies and Training and of the following: Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer or others within the compliance and risk control function (or its equivalent) during the previous year; the most recent Audit Report issued pursuant to this exemption or PTE 2017–04; any material change in the relevant business activities of the DB QPAMs; and any change to ERISA, the Code, or regulations related to fiduciary duties and the prohibited transaction provisions that may be applicable to the activities of the DB QPAMs;

(ii) The Compliance Officer prepares a written report for each Exemption Review (each, an Exemption Report) that (A) summarizes his or her material activities during the preceding year; (B) sets forth any instance of noncompliance discovered during the preceding year, and any related corrective action; (C) details any change to the Policies or Training to guard against any similar instance of noncompliance occurring again; and (D) makes recommendations, as necessary, for additional training, procedures, monitoring, or additional and/or changed processes or systems, and management's actions on such recommendations;

(iii) In each Exemption Report, the Compliance Officer must certify in writing that to the best of his or her knowledge at the time: (A) The report is accurate; (B) the Policies and Training are working in a manner which is reasonably designed to ensure that the Policies and Training requirements described herein are met; (C) any known instance of noncompliance during the preceding year and any related correction taken to date have been identified in the Exemption Report; and (D) the DB QPAMs have complied with the Policies and Training, and/or corrected (or are correcting) any known instances of noncompliance in accordance with Section I(h) above;

(iv) Each Exemption Report must be provided to appropriate corporate officers of Deutsche Bank and to each DB QPAM to which such report relates, and to the head of compliance and the DB QPAM's general counsel (or their functional equivalent) of the relevant DB QPAM; and the Exemption Report must be made unconditionally available to the independent auditor described in Section I(i) above;

(v) Each Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates. The Exemption Review for the period April 18, 2020 through April 17, 2021 must be conducted, and completed, under the requirements of PTE 2017–04;

(n) In connection with the deferred prosecution agreement entered on January 8, 2021, between Deutsche Bank and the U.S. Department of Justice, to resolve the U.S. government's investigation into violations of the Foreign Corrupt Practices Act and a separate investigation into a commodities fraud scheme, no DB QPAMs were involved in the conduct that gave rise to the deferred prosecution agreement, and no Covered Plan assets were involved in the transactions that gave rise to the deferred prosecution agreement;

(o) Each DB QPAM will maintain records necessary to demonstrate that the conditions of this exemption have been met for six (6) years following the date of any transaction for which the DB QPAM relies upon the relief in the exemption;

(p) During the Exemption Period, Deutsche Bank: (1) Immediately discloses to the Department any Deferred Prosecution Agreement or a Non-Prosecution Agreement with the U.S. Department of Justice entered into by Deutsche Bank or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA; and (2) immediately provides the Department any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement;

(q) Each DB QPAM, in its agreements with, or in other written disclosures provided to Covered Plans, clearly and prominently informs Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the DB QPAM's written Policies developed in connection with this exemption. If the Policies are thereafter changed, each Covered Plan client must receive a new disclosure within six (6) months following the end of the calendar year during which the Policies were changed.[23] With respect to this

[23] In the event the Applicant meets this disclosure requirement through Summary Policies, changes to the Policies shall not result in the requirement for

Continued

requirement, the description may be continuously maintained on a website, provided that such website links to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan; and

(r) A DB QPAM will not fail to meet the terms of this exemption solely because a different DB QPAM fails to satisfy a condition for relief described in Sections I(c), (d), (h), (i), (j), (k), (l), (o) and (q) or, if the independent auditor described in Section I(i) fails a provision of the exemption other than the requirement described in Section I(i)(11), provided that such failure did not result from any actions or inactions of Deutsche Bank or its affiliates.

Section II. Definitions

(a) The term ''U.S. Conviction'' means the judgment of conviction against DB Group Services UK Limited (DB Group Services), entered on April 18, 2017, by the United States District Court for the District of Connecticut, in case number 3:15–cr–00062–RNC, for one (1) count of wire fraud, in violation of 18 U.S.C. 1343. For all purposes under this exemption, ''conduct'' of any person or entity that is the ''subject of [a] Conviction'' encompasses the factual allegations described in Paragraph 13 of the Plea Agreement filed in the District Court in case number 3:15–cr–00062–RNC.

(b) The term ''Covered Plan'' means a plan subject to Part 4 of Title I of ERISA (an ''ERISA-covered plan'') or a plan subject to section 4975 of the Code (an ''IRA''), in each case, with respect to which a DB QPAM relies on PTE 84–14, or with respect to which a DB QPAM (or any Deutsche Bank affiliate) has expressly represented that the manager qualifies as a QPAM or relies on PTE 84–14. A Covered Plan does not include an ERISA-covered plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.

(c) The term ''DB QPAM'' or ''DB QPAMs'' means DWS Investment Management Americas, Inc., and any certain current, and future, Deutsche Bank's asset management affiliates that qualify as a ''qualified professional asset manager'' (as defined in Section VI(a) of PTE 84–14),[24] and that rely on the relief provided by PTE 84–14, and with respect to which Deutsche Bank is an ''affiliate'' (as defined in section VI(d)(1) of PTE 84–14). The term ''DB QPAM'' excludes DB Group Services.

(d) The term ''Deutsche Bank'' means Deutsche Bank AG, a publicly-held global banking and financial services company headquartered in Frankfurt, Germany;

(e) The term ''Exemption Period'' means the three year period from April 18, 2021 and ending on April 17, 2024;

(f) The term ''Plea Agreement'' means the Plea Agreement entered into between DB Group Services and the U.S. Department of Justice, Fraud Section, Criminal Division, on April 23, 2015 in connection with Case Number 3:15–cr–00062–RNC filed in the U.S. District Court for the District of Connecticut, subsequently adjudged by the Court on March 28, 2017.

Effective Date: This exemption will be in effect for three years, beginning on April 18, 2021.

Signed at Washington, DC, this 8th day of February, 2021.

Christopher Motta,

Chief, Division of Individual Exemptions, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021–02886 Filed 2–11–21; 8:45 am]

BILLING CODE 4510–29–P

a new disclosure unless, as a result of changes to the Policies, the Summary Policies are no longer accurate.

[24] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Department of Labor Events Management Platform

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Secretary (OS)-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 15, 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: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL Events Management Platform is a shared service that allows a DOL agency to collect registration information in a way that can be tailored to a particular event. As the information needed to register for specific events may vary, this ICR provides a generic format to obtain any required PRA authorization from the OMB. DOL notes that registration requirements for many events do not require PRA clearance, because the information requested is minimal (*e.g.* information necessary to identify the attendee, address). This information collection, however, is subject to the Paperwork Reduction Act (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 for use and the agency 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. The DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an information Collection Review cannot be for more than three (3) years without renewal. The DOL notes that currently approved information collection requirements submitted to the OMB receive a month-to-month extension

while they undergo review for additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 6, 2020 (85 FR 71106).

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–OS.

Title of Collection: Department of Labor Events Management Platform.

OMB Control Number: 1290–0002.

Affected Public: Businesses or other for-profits institutions; not-for-profit institutions.

Total Estimated Number of Respondents: 1,600.

Total Estimated Number of Responses: 3,200.

Total Estimated Annual Time Burden: 250 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: January 19, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–02875 Filed 2–11–21; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Report of Changes That May Affect Your Black Lung Benefits

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of the Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 15, 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: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The requirements contained within the Report of Changes That May Affect Your Black Lung Benefits information collection include forms that help determine continuing eligibility of primary beneficiaries receiving black lung benefits. The primary beneficiary or their representative payee is required to verify and update certain information that may affect entitlement to benefits, including changes to income, marital status, receipt of state workers' compensation benefits, and their dependents' status. While the information collected remains the same as in the currently approved collection, the updated forms add an electronic filing option. The Black Lung Benefits Act, 30 U.S.C. 901 *et seq.,* and its implementing regulations, 20 CFR 725.513(a), 725.533(e), authorizes this information collection. See 30 U.S.C. 936(a). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 24, 2020 (85 FR 75049).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Report of Changes That May Affect Your Black Lung Benefits.

OMB Control Number: 1240–0028.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 12,000.

Total Estimated Number of Responses: 12,000.

Total Estimated Annual Time Burden: 2,810 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 5, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–02874 Filed 2–11–21; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Quarterly Census of Employment and Wages

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 15, 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: Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The QCEW program is implementing improvements to the methods used to impute data for missing employer reports starting in October 2020. The current method of imputation estimates the current month's employment or current quarterly wages by applying the change from a year earlier to the previous month's reported employment and/or quarterly wages. A drawback to this procedure is that it uses the data from a year earlier, which may not reflect current economic conditions. BLS anticipates that the number of nonresponding employers will be substantially higher than usual in the second quarter of 2020, as a result of the business response to the coronavirus (COVID–19) pandemic. Existing imputation methods would likely understate the impact of the pandemic on the U.S. economy. BLS has conducted research on improvements to its imputation methodology and will implement these improvements with the first release of data for the second quarter of 2020. The QCEW program is the only Federal statistical program that provides information on establishments, wages, tax contributions and the number of employees subject to State UI laws and the Unemployment Compensation for the Federal Employees program. The consequences of not collecting QCEW data would be grave to the Federal statistical community. The BLS would not have a sampling frame for its establishment surveys; it would not be able to publish as accurate current estimates of employment for the U.S., States, and metropolitan areas; and it would not be able to publish quarterly census totals of local establishment counts, employment, and wages. The Bureau of Economic Analysis would not be able to publish as accurate personal income data in a timely manner for the U.S., States, and local areas. Finally, the Department of Labor's Employment Training Administration would not have the information it needs to administer the Unemployment Insurance Program.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 9, 2020 (85 FR 64167).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–BLS.

Title of Collection: Quarterly Census of Employment and Wages.

OMB Control Number: 1220–0012.

Affected Public: State, local, and tribal governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 821,500 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 5, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021–02873 Filed 2–11–21; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 15, 2021 to be assured of consideration.

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: Copies of the submission may be obtained by contacting Mackie Malaka at (703) 548–2704, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0180.

Type of Review: Extension of a currently approved collection.

Title: Liquidity and Contingency Funding Plans, 12 CFR 741.12.

Abstract: The 2008 financial crisis demonstrated the importance of good liquidity risk management to the safety and soundness of financial institutions. In conjunction with the OCC, FRB, FDIC, and Conference of State Bank Supervisors (CSBS), adopted the Interagency Policy Statement on Funding and Liquidity Risk Management in March of 2010.

In October 2013, to clarify NCUA's expectation on the Interagency Policy Statement and to reduce the regulatory burden on small credit unions, NCUA codified the requirements for Liquidity and Contingency Funding Plans as § 741.12. The rule establishes a three-

tier framework for federally insured credit unions, based on asset size. Federally insured credit union with assets under $50 million must maintain a basic policy, federally insured credit unions with assets of $50 million and over must maintain a contingency funding plan, and federally insured credit unions with assets over $250 million must maintain a contingency funding plan and establish a federal liquidity contingency source.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 4,247.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on February 9, 2021.

Dated: February 9, 2021.

Mackie I. Malaka,

NCUA PRA Clearance Officer.

[FR Doc. 2021–02954 Filed 2–11–21; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL ENDOWMENT FOR THE ARTS

Privacy Act of 1974: Republication of Notice of Systems of Records

AGENCY: National Endowment for the Arts.

ACTION: Notice of republication of systems of records, proposed systems of records, and new routine uses.

SUMMARY: The National Endowment for the Arts (Endowment) is publishing a notice of its systems of records with descriptions of the systems and the ways in which they are maintained, as required by the Privacy Act of 1974. This notice reflects administrative changes that have been made at the Endowment since the last publication of a notice of its systems of records. This notice also will enable individuals who wish to access information maintained in Endowment systems to make accurate and specific requests for such information.

DATES: In accordance with 5 U.S.C. 552a(r), on June 19, 2008, the National Endowment for the Arts filed a report as to the changes proposed in this notice with the Committee on Oversight and Government Reform of the House of Representatives; the Senate Committee on Homeland Security and Governmental Affairs; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The deadline to submit comments on the Endowment's proposed changes will be 30 days from the date the report is submitted to Congress and the OMB.

ADDRESSES: Deputy Chairman for Management & Budget; National Endowment for the Arts; 400 7th Street SW, Washington, DC 20506; telefax at (202) 682–5798 or by electronic mail at *eilersa@arts.gov.*

FOR FURTHER INFORMATION CONTACT: Ann Eilers, Deputy Chairman for Management & Budget, (202) 682–5534.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 552a(e)(4), the Endowment is today republishing a notice of the existence and character of its systems of records in order to make available in one place in the **Federal Register** the most up-to-date information regarding these systems. This republication has become necessary to reflect administrative changes, such as agency move, agency restructuring and the increased use of electronic technology, that have been made at the Endowment since the last publication of a notice of its systems of records.

Statement of General Routine Uses

The following general routine uses are incorporated by this reference into each system of records set forth herein, unless specifically limited in the system description.

1. A record may be disclosed as a routine use to a Member of Congress or his or her staff, when the Member of Congress or his or her staff requests the information on behalf of and at the request of the individual who is the subject of the record.

2. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the subject individual for employment purposes (including the hiring or retention of any employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency) to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved.

3. In the event that a record in a system of records maintained by the Endowment indicates, either by itself or in combination with other information in the Endowment's possession, a violation or potential violation of the law (whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule, or order issued pursuant thereto), that record may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. Such referral shall be deemed to authorize: (1) Any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing; and (2) Such other interagency referrals as may be necessary to carry out the receiving agencies' assigned law enforcement duties.

4. The names, Social Security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and state of hire of employees may be disclosed as a routine use to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, as follows:

(a) For use in the Federal Parent Locator System (FPLS) and the Federal Tax Offset System for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193);

(b) For release to the Social Security Administration for the purpose of verifying Social Security numbers in connection with the operation of the FPLS; and

(c) For release to the U.S. Department of the Treasury (Treasury) for the purpose of payroll, savings bonds, and other deductions; administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986); and verifying a claim with respect to employment on a tax return, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193).

5. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate, or administrative tribunal of appropriate jurisdiction, and such disclosure may include disclosures to opposing counsel in the course of settlement negotiations.

6. Information from any system of records may be used as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for

statistical information (without personal identification of individuals) under the Freedom of Information Act.

7. A record may be disclosed as a routine use to a contractor, expert, or consultant of the Endowment (or an office within the Endowment) when the purpose of the release is to perform a survey, audit, or other review of the Endowment's procedures and operations.

8. A record from any system of records may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

9. A record may be disclosed to a contractor, grantee, or other recipient of Federal funds when the record to be released reflects serious inadequacies with the recipient's personnel, and disclosure of the record is for the purpose of permitting the recipient to effect corrective action in the government's best interests.

10. A record may be disclosed to a contractor, grantee, or other recipient of Federal funds when the recipient has incurred an indebtedness to the government through its receipt of government funds, and release of the record is for the purpose of allowing the debtor to effect a collection against a third party.

11. Information in a system of records may be disclosed as a routine use to the Treasury; other Federal agencies; ''consumer reporting agencies'' (as defined in the Fair Credit Reporting Act, 15 U.S.C. 168la(f), or the Federal Claims Collection Act of 1966, 31 U.S.C. 370(a)(3); or private collection contractors for the purpose of collecting a debt owed to the Federal government as provided in the regulations promulgated by the Endowment and published at 45 CFR 1150.

12. To appropriate agencies, entities, and persons when (1) the Endowment suspects or has confirmed that the security or confidentiality of information in the system of record has been compromised; (2) the Endowment has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Endowment or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Endowment's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Table of Contents

This document gives notice that the following Endowment systems of records are in effect:

NEA–1 Panelist, Electronic Grants Management System (eGMS) replaced Automated Panel Bank System (APBS)
NEA–2 Panelists, Paper Files
NEA–3 National Council on the Arts, Member Information
NEA–4 Grants and Cooperative Agreements: Electronic Grants Management System (eGMS)
NEA–5 Grants, Paper Files
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NEA–7 Payroll/Personnel System
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NEA–9 Financial Management Information System (FMIS)
NEA–10 Finance Subsidiary Tracking Systems
NEA–11 Finance, Paper File
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NEA–14 Office of the Inspector General Investigative Case Files
NEA–15 Senate Nomination Files—National Council on the Arts
NEA–16 Jazz Masters Recipients
NEA–17 National Heritage Fellowship Recipients
NEA–18 Literature Fellowship Recipients

SYSTEM NAME AND NUMBER:

Panelists Electronic Grants Management System (eGMS)/NEA–1.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Authorized National Endowment for the Arts (NEA) staff may access National Endowment for the Humanities (NEH), electronic grant management system via online web portal. 400 7th Street SW, Washington, DC 20506. NEH provides these services under System of Record Notice NEH–1.

SYSTEM MANAGER(S):

Chief Information Officer; National Endowment for the Humanities; *bbobley@neh.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To provide a central repository for information about art experts who could be or have been called upon to serve on application review panels and make recommendations on grant awards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whom the Endowment may ask or has asked to serve on application review panels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, Social Security number, and other data concerning potential and actual panelists, including information about areas of artistic expertise and prior panel service.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees.

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

Data in this system is used for identification of panelists and their activities in this capacity. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in an electronic database.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained and updated on a continuing basis, as new information is received by the National Endowment for the Arts staff. Endowment staff will periodically request updated information from individuals who already have a People record in eGMS. Endowment staff will also periodically purge the eGMS People records pertaining to individuals who have been in the eGMS for three to five years, but who have not served on a panel.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system is maintained in a locked computer room that can be accessed only by authorized employees of the Endowment or the National Endowment for the Humanities. Access to records in this system is further controlled by password, with different levels of modification rights assigned to individuals and offices at the Endowment based on their specific job functions.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Panelists Electronic Grants Management System (eGMS) replaces the panelists Automated Panel Bank System (APBS) that was retired with the implementation of eGMS.

System Location change 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Panelists, Paper Files/NEA–2.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

National Endowment for the Arts, 400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Director of Guidelines and Panel Operations: *miller@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

Historical information about actual panelists that predates the electronic capability of eGMS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whom the Endowment may ask or has asked to serve on application review panels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Historical information about actual panelists. This system includes materials such as resumes and panelist profile forms.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees and other individuals nominating potential panelists.

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

These are historical records that are required under the Federal Advisory Committee Act. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORD:

Records in this system are maintained in filing cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Office of Guidelines and Panel Operations maintains historical paper files that are static due to the new electronic capability of the eGMS. These are historical records that are required under the Federal Advisory Committee Act.

Discipline offices may also maintain paper files about individuals who have served on panels for their divisions. The Endowment's Finance Office maintains copies of panelist contracts. Each Discipline office destroys its panelist contracts after the conclusion of the panel.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Cabinets containing the records in this system are kept locked.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Panelists, Paper Files System Location change 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

National Council on the Arts, Member Information/NEA–3.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Office of Chief of Staff/Council Operations; 400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Chief of Staff or Council Coordinator; *jeffersonk@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To provide a central repository for information about past and present members of the Council.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present members of the National Council on the Arts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, Social Security number, and other information concerning past and present members of the Council, such as press clippings and correspondence.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved with the activities of the Council.

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

Data in this system is used for identification of members of the Council and their activities in this capacity. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained both electronically and in paper files kept in file cabinets.

POLICIES AND PRACTICIES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name.

POLICIES AND PRACTICIES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on an indefinite basis for reference purposes.

ADMINISTRAIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Rooms containing the paper records in this system are kept locked during non-working hours.

The electronic records in this system are maintained on the office hard drive which is password-protected.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

National Council on the Arts, Member Information System Location change

1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Grants and Cooperative Agreements, Electronic Grants Management System (eGMS)/NEA–4.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Authorized National Endowment for the Arts (NEA) staff may access National Endowment for the Humanities (NEH) electronic grant management system via an online web portal. 400 7th Street SW, Washington, DC 20506. NEH provides these services under System of Record Notice NEH–1.

SYSTEM MANAGER(S):

Grants Officer (Director) and/or CIO of Information and Technology; National Endowment for the Humanities; *jacobsn@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To provide a central repository for information about grant and cooperative agreement applicants, recipients, and awards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual and organizations who have applied to the National Endowment for the Arts (NEA) for financial assistance in the form of grants and cooperative agreements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, Social Security number, Taxpayer or Employee identification numbers (TIN, EIN) assigned by the IRS, Dun & Bradstreet numbers assigned by Dun & Bradstreet, application numbers assigned by the National Endowment for the Arts (NEA). National Standard and other agency established codes, and award action dates. Banking information is not maintained in the Electronic Grants Management System (eGMS).

Additional information concerning National Endowment for Arts (NEA) decisions to award grants and cooperative agreements, disburse funds, and close out awards. Materials include applications, award notifications and any approved amendments, payment requests, correspondence, and final reports.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved in the administration of grants.

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

Data in this system may be used for general administration of the application review and award process, grants management, statistical research, and Congressional oversight and analysis of trends. See also the list of General Routine Uses contained in the preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in an electronic database.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name, application number, grant number, or constituent identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on an indefinite basis for reference purposes; however, records will be closed out and not accessible for viewing after the required retention period (currently 7 years from the date of closeout).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system is maintained in a locked computer room that can be accessed only by authorized employees of the Endowment and the National Endowment for the Humanities. Access to records in this system is controlled by PIV access, with different levels of modification rights assigned to individuals and offices at the NEA based on their specific job functions.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Grants and Cooperative Agreements, Electronic Grants Management System (eGMS) replaces Grants, Grants Management System (GMS); System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Grants, Paper Files/NEA–5.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Grants Officer (Director); *jacobsn@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To supplement the GMS and eGMS with information well suited for maintenance in hard copy form.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied to the NEA for financial assistance in the form of grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Additional information concerning NEA decisions to award grants and cooperative agreements, disburse funds, and close out awards. Materials include applications, award notification letters and any approved amendments, payment requests, correspondence, and final reports.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved in the administration of grants.

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

Data in this system may be used for general administration of the grant and cooperative agreement review and award process, award management including payment and amendment requests, statistical research, and Congressional oversight and analysis of trends. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name, application number, or grant number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Office of Grants maintains paper files of award made in FY 17 and earlier

that are still open, which are retired and destroyed after seven years. When the final descriptive and financial status reports are received and accepted, the grant and cooperative agreement files are retired first to the Federal Records Center, and then to the National Archives and Records Administration. The FY 17 paper award files are scanned to a specific computer system LAN drive that has limited access.

ADMINISTRTIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Files containing records in this system are kept locked during non-working hours.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORDS PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Grant, Paper Files System Location change 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Contracts/NEA–6.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Administrative Officer (Director of Administrative Services) and/or Director of Finance *gendrong@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 9 51 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To maintain a record of contracts and cooperative agreements entered into by the Endowment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have entered into administrative contracts with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Relevant information concerning the contract, such as copies of the signed document and requests for payment/invoices.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved in contract development, administration, and execution.

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

Data in this system may be used for General Accounting Office audits and Congressional oversight. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE FOR RECORDS:

The Contracts Office maintains records in this system in an electronic database, word processing files, and file cabinets. The Finance office also maintains paper files in this system in file cabinets.

POLICIES AND PRACTICES RETRIEVAL OF RECORDS:

Database files are retrieved by name or by contract or cooperative agreement number. Word processing files are retrieved by contract or cooperative agreement number. Paper files maintained by the Contracts Office are retrieved by name. Paper files maintained by the Finance Office are retrieved by name, Social Security number, or vendor number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Database and word processing files are maintained on an indefinite basis for reference purposes. Paper files maintained by the Contracts Office are shipped to the National Archives and Records Administration after the contract or cooperative agreement is physically completed, and they are destroyed six years and three months later. Paper files maintained by the Finance Office are also maintained for six years and three months, and then destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Database and word processing files are protected by a password available to Grants and Contracts Office staff. Rooms containing paper files are kept locked during non-working hours.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED THE SYSTEM:

None.

HISTORY:

Contracts replaces Contracts and Cooperative Agreements; System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME/NUMBER:

Payroll/Personnel System/NEA–7.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

National Endowment for the Arts (NEA), Department of Human Resources. 400 7th Street SW, Washington, DC 20506.

Pursuant to an Interagency Agreement between the NEA and the National Finance Center (''NFC''), a component organization of the United States Department of Agriculture's Office of the Chief Financial Officer, NFC provides NEA with the following services: Payroll processing, payroll account processing, salary payment of processing, receipt and processing of time and attendance data, and other functions necessary to perform these services. NFC provides these services using the Department of Agriculture's payroll systems, which are covered under Department of Agriculture System of Record Notice OPM/GOV–1.

SYSTEM MANAGER(S):

Director of Human Resources; *mccordc@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*); Federal Personnel Manual and Treasury Fiscal Requirements Manual.

PURPOSE(S) OF THE SYSTEM:

To document the Endowment's personnel processes and to calculate and process payroll.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and personnel information, such as time and attendance data, statements of earnings and leave, training data, wage and tax statements, and payroll and personnel transactions. This system includes some data that may also be maintained in the Endowment's official personnel folders, which are managed in accordance with Office of Personnel Management (OPM)

regulations. The OPM has given notice of its system of records covering official personnel folders in OPM/GOVT–1.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved in the administration of personnel and payroll processes.

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

Data in this system may be transmitted to the U.S. Departments of Agriculture and Treasury, and employee-designated financial institutions to effect issuance of paychecks to employees and distributions of pay according to employee directions for authorized purposes. Data in this system may also be used to prepare payroll, meet government recordkeeping and reporting requirements, and retrieve and apply payroll and personnel information as required for agency needs. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records in this system are maintained off-site by the Department of Agriculture's National Finance Center (NFC) but can be accessed by individuals in the Office of Human Resources and by timekeepers for each of the Endowment's offices. Records generated through the NFC are maintained by the Office of Human Resources. The Office of Human Resources also maintains paper records of security folders, training folders, and health records in file cabinets. Office timekeepers maintain paper time and attendance records for three years in file cabinets in their offices. Division offices also may use file cabinets to maintain paper records concerning performance reviews and other personnel actions.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name, Social Security number, or date of birth.

POLICIES AND PRACTICIES FOR RETENTIVAL AND DISPOSAL OF RECORDS:

The Office of Human Resources maintains paper records in this system in accordance with the General Services Administration's General Records Schedule 2. Division offices may maintain paper records concerning performance reviews and other personnel actions in their divisions for the duration of an individual's employment with the Endowment or another indefinite period.

ADMINSTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

NEA limits access to records within this system to authorized personnel whose official duties require such access; namely, Office of Human Resources personnel and senior staff. Access to records in this system is further controlled by password. NEA keeps records in this system in locked file cabinets.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Government Purchasing Card Holders/NEA–8.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Administrative Officer (Director of Administrative Services) and/or Director of Finance; *gendrong@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To maintain a record of Endowment employees authorized to use government purchasing cards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Endowment employees who have been issued credit cards to make official purchases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office, account number, and spending limits.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, as well as from Endowment employees involved in administration and oversight of government purchasing cards.

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

See the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The Administrative Services Office maintains records in this system in an electronic database and in paper records in file cabinets. The Finance Office maintains additional paper records in this system in file cabinets.

POLICIES AND PRACTICES RETRIEVAL OF RECORDS:

Electronic records in this system are retrieved by name, office, account number, or spending limit. Paper records in this system are retrieved by name or Social Security number.

POLICIES AND PRACTICES RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on an indefinite basis for reference purposes. Records concerning individuals not issued credit cards are destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to electronic records in this system is controlled by a password, which is available only to the Approving Official. Rooms containing paper records in this system are kept locked during non-working hours.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Government Purchasing Card Holders System Location changed from 1100 Pennsylvania Avenue NW, Washington.

SYSTEM NAME AND NUMBER:

Financial Management Information System/NEA–9 (FMIS), DELPHI (the Department of Transportation's (DOT's) Oracle Federal Financial System made available to the National Endowment for the Arts (NEA) through a cross-servicing agreement with DOT's Enterprise Service Center.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Authorized NEA staff may access DELPHI Oracle Federal Financial System electronically via an online web portal. This system is hosted by the Department of Transportation facility in Oklahoma City, Oklahoma. NEA stores certain supporting documents in hard-copy files with its Finance and Budget Office. DOT provides these services under System of Record Notice DOT/ALL 7.

SYSTEM MANAGER(S):

Accounting Officer (Director of Finance); *renh@ats.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To promote effective fund control and financial management; to provide a central repository for information about the NEA's financial transactions; and to enable the NEA Budget and Finance offices to share a common system for entering allocation, commitment, and obligation information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security number, object class, category code, discipline code, office code, sub-object class code, bank information, Common Accounting Number, Council meeting number, document number, schedule number, tax/employee identification number, vendor number, funding fiscal year, transaction processing dates, and fund type.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NEA staff employees, grant recipients, vendors, and other individuals involved in financial transactions with the NEA.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system and from NEA employees who are involved with the NEA's fund control and financial management.

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

See the list of General Routine Uses contained in the Preliminary Statement. In addition, this system interfaces with the Grants Management System (GMS) (see NEA–4) and extracts data from a magnetic tape containing Payroll/Personnel information generated by the Department of Agriculture's National Finance Center (NFC).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained on electronically.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name, Social Security number, tax/employee identification number, or vendor number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on an indefinite basis for reference purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system is maintained in a locked computer room that can be accessed only by authorized employees of the NEA and the National Endowment for the Humanities. Access to records in this system is further controlled by password, available to the Budget, Finance, and Information and Technology Management Offices. Different levels of modification rights are assigned to these three offices and NEA employees therein, based on their specific job functions.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Financial Management Information System (FMIS) System Location changed from 1100 Pennsylvania Avenue NW; Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Finance, Subsidiary Tracking Systems/NEA–10.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Finance Office; 400 7th Street SW; Washington, DC 20506. NEA staff may access the E2 Solutions information system electronically via online. This system is sponsored by the U.S. General Services Administration Program Management Office (GSA PMO). GSA provides these services under the System of Records Notice GSA/GOVT–4.

SYSTEM MANAGER(S):

Accounting Officer (Director of Finance); *rerenh@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To supplement DELPHI with electronic records that cannot be maintained within that system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grant recipients, Endowment employees, vendors, and other individuals involved in financial transactions with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Files contain payment information for processing all payments.

(2) The Travel Authorizations Files contain employee expense data from travel duty. The GSA has given notice of its system of records covering the official travel files GSA/GOVT–4.

(3) The Travel Voucher Files containing employee expense data from travel duty. The GSA has given notice of its system of records covering travel service providers GSA/GOVT–4.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system and from Endowment employees who are involved with the management of these subsidiary tracking systems.

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

See the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in electronic databases.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in the Secure Payment System (SPS) are retrieved by name, Social Security number, taxpayer identification number, or supplier number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on an indefinite basis for reference purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to records in this system is controlled by password.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Finance, Subsidiary Tracking System Location changed from 1100 Pennsylvania Avenue NW; Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Finance, Paper Files/NEA–11.

SECURITY CLASSFICATION:

Sensitive.

SYSTEM LOCATION:

Finance Office; 400 7th Street SW; Washington, DC 20506.

SYSTEM MANAGER(S):

Accounting Officer (Director of Finance); *renh@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 seq). In addition, the maintenance of debt collection records in the Accounts Receivables Files is authorized by the Debt Collection Act of 1982, Public Law 97–365; the Cash Management Improvement Act Amendments of 1992; and the Debt Collection Improvement Act of 1996 (Pub. L. I 04–134).

PURPOSE(S) OF THE SYSTEM:

To supplement DELPHI with information well suited for maintenance in hard copy form.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grant recipients, Endowment employees, vendors, and other individuals involved in financial transactions with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) The Accounts Receivables Files contain data concerning the type and amount of debts owed to the Endowment, as well as debt collection efforts. These files contain, as appropriate, the name and address of the debtor; taxpayer's identification number; basis of the debt; date a debt became delinquent; amounts accrued for interest, penalties, administrative costs, and payment on account; date the debt was referred to the Treasury for offset; and basis for termination of debt. These files also include copies of bills for collection; invoices; correspondence between the Endowment and the debtor relating to the debt; and documents required to refer accounts to the Treasury, other Federal agencies, or private collection contractor for debt collection.

(2) The Donations to Gift Fund Files contain copies of checks and letters submitted by donors.

(3) The 1099 Files contain data concerning expenses over $600 per calendar year that are reported to the Internal Revenue Service.

(4) The Travel Credit Cards Files contain applications for credit cards and credit score reports. The GSA has given notice of its system of records covering the official Travel Charge Card Program GSA/GOVT–3.

(5) The Star Awards Files contain data concerning awards for Endowment employees.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system, Endowment employees, creditor agencies, collection agencies, credit bureaus, Federal employing agencies, and other Federal agencies furnishing identifying information.

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

See the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name; Social Security number; taxpayer identification number; or contract number of the employee, contractor, or grantee.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The retention and disposal of debt collection records in the Accounts Receivables Files are covered by the General Services Administration's General Records Schedule 6. Other records in this system are retained on site or in storage for six years and three months, and then destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Rooms containing the records in this system are kept locked during non-working hours.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Finance, Paper Files System Location changed from 1100 Pennsylvania Avenue NW; Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Equal Employment Opportunity Complaint Case Files/NEA–12.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Office of Equal Employment Opportunity/Civil Rights; 400 7th Street SW; Washington, DC 20506.

SYSTEM MANAGER(S):

Acting Director of Civil Rights; *medinaa@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To enable the Endowment to investigate and adjudicate internal complaints of discrimination.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Endowment employees and applicants for employment at the Endowment who have filed formal complaints of discrimination against the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Relevant information concerning the complaint of discrimination, such as correspondence and documentation concerning the filing of the complaint and stages leading to its disposition.

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

Data in this system may be disclosed as necessary to enforce or implement the statute, rule, regulation, or order under which the charge of discrimination has been filed. This

authorization includes disclosures of data to a Federal, state, or local agency charged with the responsibility of investigating, enforcing, or implementing such a statute, rule, regulation, or order. See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained on computer servers and in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Complaint files are destroyed four years after resolution of the case.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

EEO files on computer servers are limited in access to NEA EEO personnel only. Paper files are kept in a locked file cabinet.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGAGED FOR THE SYSTEM:

None.

HISTORY:

Equal Employment Opportunity Complaint Case Files System Location change 1100 Pennsylvania Avenue NW; Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Civil Rights Complaint Case Files/ Nea–13.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Office of Equal Employment Opportunity/Office of Civil Rights; 400 7th Street SW; Washington, DC 20506.

SYSTEM MANAGER(S):

Acting Director of Civil Rights; *medinaa@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To enable the Endowment to investigate and adjudicate external complaints of discrimination.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed formal complaints of discrimination against the Endowment. However, this system does not include complaints made by either Endowment employees or applicants for employment at the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Relevant information concerning the complaint of discrimination, including correspondence and documentation concerning the filing of the complaint and stages leading to its disposition.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system and from Endowment employees who are involved with the claim or proceeding.

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

Data in this system may be disclosed as necessary to enforce or implement the statute, rule, regulation or order under which the charge of discrimination has been filed. This authorization includes disclosures of data to a federal, state, or local agency charged with the responsibility of investigating, enforcing, or implementing such a statute, rule, regulation, or order. See also the list of General Routing Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained on computer servers and in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name or a control number assigned to each external complaint of discrimination.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Complaint files are destroyed four years after resolution of the case.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Civil rights files on computer servers are limited in access to NEA Civil Rights personnel only. Paper files are kept in a locked file cabinet.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Civil Rights Complaint Case Files System Location change 1100 Pennsylvania Avenue NW; Washington.

SYSTEM NAME AND NUMBER:

Office of the Inspector General Investigative Case Files/NEA–14.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Office of the Inspector General; 400 7th Street SW; Washington, DC 20506.

SYSTEM MANAGER(S):

Inspector General; *stithr@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended (5 U.S.C. app. 3).

PURPOSE(S):

To maintain files of investigative and reporting activities carried out by the Office of the Inspector General.

PURPOSE(S) OF THE SYSTEM:

To maintain files of investigative and reporting activities carried out by the Office of the Inspector General.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and entities who are or have been the subject of investigations by the Office of the Inspector General, or who provide information in connection with such investigations. These individuals include, but are not limited to, former and present Endowment employees; former and present Endowment grant recipients; former and present contractors and subcontractors, and their employees; former and present consultants; and other individuals and entities that had, have, or are seeking to obtain business relationships with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relevant to the investigation; working papers of the staff, investigative notes, internal staff memoranda, and other documents and records relating to the investigation; information about criminal, civil, or administrative referrals; information provided by subjects of the investigation, individuals with whom the subjects are associated, complainants, or witnesses; information provided by Federal, State, or local governmental investigative or law enforcement agencies, or other organizations; copies of subpoenas issued during the investigation; and

opening reports, progress reports, and closing reports, with recommendations for corrective action.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals who are covered by the system, as well as from individuals with whom the subjects are associated; Federal, State, or local governmental investigative or law enforcement agencies; and other organizations.

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

Data in this system may be disclosed to any source, either private or governmental, to the extent necessary to secure from such source information relevant to, and sought in furtherance of, a legitimate investigation or audit. Data in this system may also be disclosed to the Office of the Inspector General's or the Endowment's legal representative, including the U.S. Department of Justice and other outside legal counsel, when the Office of the Inspector General or the Endowment is a party in actual or anticipated litigation or has an interest in such litigation.

See also the list of General Routine Uses contained in the Preliminary Statement.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name, report number, or chronological ordering.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained on-site until eligible for destruction. Work papers used in evaluating grantees' audit reports and financial statements are destroyed on a three-year cycle, or until eligible for destruction. Work papers and correspondence prepared and/or obtained during the clearance process of audit recommendations are destroyed on a six-year cycle from the date that the recommendations are cleared. All other records in this system are destroyed on a seven-year cycle.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Work papers for allegation and other investigative reviews conducted by or for the Office of the Inspector General are kept in a locked file cabinet. All records in this system are kept in rooms that are locked during non-working hours and are accessible to the Inspector General only.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. Access requests must be sent to the Office of the General Counsel in accordance with the procedures published at 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or (k)(2). To the extent that this system is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. Access requests must be sent to the Office of the General Counsel in accordance with the procedures published at 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULAGED FOR THE SYSTEM:

This system is exempted from 5 U.S.C. 552a except subsections (b); (c)(l) and (2); (e)(4)(A) through (F); (e)(6), (7), (9), (10), and (11); and (i) under 552a(i)(2) to the extent that the system pertains to enforcement of criminal laws. This system is exempted from 5 U.S.C. 552a(c)(3); (d); (e)(l); (e)(4)(G), (H), and (I); and (f) under 5 U.S.C. 552a(k)(2) to the extent that the system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). These exemptions are contained in 45 CFR part 1159.

HISTORY:

Office of the Inspector General Investigative Files System Location changed from 1100 Pennsylvania Avenue NW; Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Senate Nomination Files—National Council on the Arts/NEA–15.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Office of General Counsel; 400 7th Street SW; Washington, DC 20506.

SYSTEM MANAGER(S):

Designated Agency Ethics Officer; *zachariaha@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*) 5 CFR 2634.901 *et seq.*

PURPOSE(S) OF THE SYSTEM:

To maintain a record of the members of the NCA's financial disclosure reports upon nomination.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Council on the Arts (NCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Confidential Financial Disclosure Reports (SF–450), and clearance letters to the U.S. Senate for nominees to the NCA.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are kept electronically as well as in hard copy that are locked in file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are kept electronically as well as in hard copy that are locked in file cabinets.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are destroy(ed) 6 years after receipt of the OGE Form 450 by the agency, except when the OGE Form 450 supports one or more subsequent Optional OGE Form 450–As then destroy 6 years after receipt of the last related OGE Form 450–A by the agency, or when no longer needed for active investigation, whichever is later. This disposition instruction is mandatory; deviations are not allowed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

This system is maintained in a locked file cabinet within an office that is locked during nonbusiness hours.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGAGED FOR THE SYSTEM:

None.

HISTORY:

Office of the Inspector General Investigative Files System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Jazz Masters Recipients/NEA–16.

SYSTEM CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Performing Arts Division, 400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Division Coordinator; Performing Arts Division; *medinaa@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To create a central repository for information about individuals who have been nominated to receive a NEA Jazz Masters Fellowship award and to create a record of NEA Jazz Masters Fellowship recipients.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated to receive a NEA Jazz Masters award from the Endowment and recipients of the award.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, email, biographical information.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system.

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

Information in this system is used to compile nominee packages for review by a panel in selecting the recipients of the NEA Jazz Masters Fellowship award.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records in this system are maintained in paper format in file cabinets and in electronic form in a Database. Accessible only to division staff.

POLICIES AND PRACTICES RETRIEVAL OF RECORDS:

Records in this system are retrieved by name of nominee or by name of recipient.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records pertaining to nominees are maintained for five years. After five years have passed, nominee records are shredded. Records pertaining to recipients are maintained permanently at the Endowment.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are maintained in a locked file cabinet located within an office that is kept locked during non-business hours. Electronic records in this system are accessible only to division staff.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Jazz Masters Recipients System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NAME:

National Heritage Fellowship Recipients/NEA–17.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

Multidisciplinary Division, 400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Division Coordinator; *murphyc@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To create a central repository for information about individuals who have been nominated to receive a National Heritage Fellowship and to create a record of National Heritage Fellowship recipients.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated to receive a National Heritage Fellowship from the Endowment and recipients of the fellowship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, email, biographical information.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system.

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

Information in this system is used to compile nominee packages for review by a panel in selecting the recipients of National Heritage Fellowships.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records in this system are maintained in paper format in locked file cabinets and in electronic form in a database accessible only to division staff.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name of nominee or by name of recipient.

POLICIES AND PRACTICES RETENTION AND DISPOSAL OF RECORDS:

Records pertaining to nominees are maintained for five years. After five years have passed, nominee records are shredded. Records pertaining to recipients are maintained permanently at the Endowment.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Papers in this system are maintained in a locked file cabinet located within an office that is kept locked during non-business hours. Electronic records in this system are password protected and accessible only to division staff.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159.

NOTIFICATION PROCEDURES:

See 45 CFR part 1159.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

National Heritage Fellowship Recipients System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

SYSTEM NAME AND NUMBER:

Literature Fellowship Recipients/NEA–18.

SECURITY CLASSIFIED:

Sensitive.

SYSTEM LOCATION:

Literature Division; 400 7th Street SW, Washington, DC 20506.

SYSTEM MANAGER(S):

Literature Director, *stollsa@arts.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*).

PURPOSE(S) OF THE SYSTEM:

To create a central repository for information about individuals who have been nominated to receive a Literature Fellowship and to create a record of Literature Fellowship recipients.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual applicants for a Literature Fellowship from the Endowment and recipients of the fellowship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, email address, biographical information.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individuals covered by the system.

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

Information in this system is used to compile nominee packages for review by a panel in selecting the recipients of Literature Fellowships.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records in this system are maintained in electronic format in the Electronic Grants Management System (eGMS).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system are retrieved by name of recipient or by application number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records pertaining to unsuccessful applicants are kept in eGMS permanently. Records pertaining to award recipients are maintained permanently at the Endowment.

ADMINISTRATIVE, TECHNICAL, AND PHYISCAL SAFEGUARDS:

Records in this system are maintained in eGMS, a secure system accessed only by NEA staff PIV card.

RECORD ACCESS PROCEDURES:

See 45 CFR part 1159.

CONTESTING RECORD PROCEDURES:

See 45 CFR part 1159

NOTIFICATION PROCEDURES:

See 45 CFR part 1159

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Literature Fellowship Recipients System Location changed from 1100 Pennsylvania Avenue NW, Washington, DC 20506.

Dated: January 11, 2021.

Anthony M. Bennett,

Director of Administrative Services.

[FR Doc. 2021–02879 Filed 2–11–21; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

683rd Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on March 3–5, 2021. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will conduct virtual meetings. The public will be able to participate in any open sessions via 1–866–822–3032, pass code 8272423#. A more detailed agenda may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.*

Wednesday, March 3, 2021

9:30 a.m.–9:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

9:35 a.m.–11:30 a.m.: Integrated Human Event Analysis System—General Methodology Report Preparation (Open)—The Committee will have remarks by the Probabilistic Risk Assessment subcommittee Chairman regarding the subject topic and report writing.

1:00 p.m.–3:00 p.m.: Regulatory Guide 1.240, ''Fresh and Spent Fuel Criticality Analyses'' (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

3:00 p.m.–5:00 p.m.: Gateway for Accelerated Innovation in Nuclear and Advanced Reactor Demonstration Program (Open)—The Committee will have presentations and discussion with representatives from the NRC staff and the Department of Energy staff regarding the subject topics.

5:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Thursday, March 4, 2021

9:30 a.m.–11:00 a.m.: Be riskSMART Update (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

11:00 a.m.–12:30 p.m.: EMBARK Venture Studios Briefing (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

1:30 p.m.–5:30 p.m.: Regulatory Basis: 10 CFR Parts 50/52/Other Business (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topics.

Friday, March 5, 2021

9:30 a.m.–12:30 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman.

Note: Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.

1:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports.

Note: Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

Note: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including

representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (DFO) (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Dated: February 9, 2021.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2021–02884 Filed 2–11–21; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91077; File No. SR–BOX–2020–38]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend BOX Rule 7620 (Accommodation Transactions)

February 8, 2021.

On December 10, 2020, BOX Exchange LLC (''BOX'' or ''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 BOX Rule 7620 (Accommodation Transactions) to allow Floor Brokers to enter opening cabinet orders on behalf of customers and floor market makers, and codify that cabinet orders will execute in open outcry pursuant to the BOX Rule 7600 series. The proposed rule change was published for comment in the **Federal Register** on December 30, 2020.[3] The Commission received no comments on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 13, 2021. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates March 30, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–BOX–2020–38).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02866 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90792 (December 23, 2020), 85 FR 86610.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–035, OMB Control No. 3235–0029]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17f–2(c)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17f–2(c) (17 CFR 240.17f–2(c)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17f–2(c) allows persons required to be fingerprinted pursuant to Section 17(f)(2) of the Act to submit their fingerprints to the Attorney General of the United States or its designee (*i.e.,* the Federal Bureau of Investigation (''FBI'')) through a registered national securities exchange or a registered national securities association (collectively, also known as ''self-regulatory organizations'' or ''SROs'') pursuant to a fingerprint plan filed with, and declared effective by, the Commission. Fingerprint plans have been approved for the American, Boston, Chicago, New York, and Philadelphia stock exchanges and for the Financial Industry Regulatory Authority (''FINRA'') and the Chicago Board Options Exchange. Currently, the bulk of the fingerprints are submitted through FINRA.

It is estimated that 3,900 respondents submit approximately 281,804 sets of fingerprints (consisting of approximately 253,721 electronic sets and 28,083 hard copy sets) to SROs on an annual basis. The Commission

estimates that it would take approximately 15 minutes to create and submit each fingerprint card. The total time burden is therefore estimated to be approximately 70,451 hours, or approximately 18 hours per respondent, annually.

In addition, the SROs charge an estimated $26 fee for processing fingerprint cards submitted electronically, resulting in a total annual cost to all 3,900 respondents of approximately $6,596,746, or approximately $1,691 per respondent per year. The SROs charge an estimated $41 fee for processing fingerprint cards submitted in hard copy, resulting in a total annual cost to all 3,900 respondents of approximately $1,151,403, or approximately $295 per respondent per year. The combined annual cost to all respondents is thus approximately $7,748,149.

Because the FBI will not accept fingerprint cards directly from submitting organizations, Commission approval of fingerprint plans from certain SROs is essential to carry out the Congressional goal to fingerprint securities industry personnel. Filing these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: February 9, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02959 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91075; File No. SR–ICC–2020–014]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the ICC Clearing Participant Default Management Procedures

February 8, 2021.

Introduction

On December 22, 2020, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to revise its Clearing Participant (''CP'') Default Management Procedures (the ''Default Management Procedures'').[3] The proposed rule change was published for comment in the **Federal Register** on January 8, 2020.[4] The Commission did not receive comments on the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

ICC's proposed rule change would make clarifying changes to the Default Management Procedures to formalize the process for convening remote meetings of ICC's CDS Default Committee, and to update certain procedures for notifications by designated ICC officers as part of its CP default management process.[5] This process includes the actions that ICC takes to determine that a CP is in default and to close-out the defaulting CP's portfolio.[6]

Specifically, ICC proposes revisions to Subsection 4.4 (Secure Trading Facility) of the Default Management Procedures related to convening the ICC CDS Default Committee, which consists of designated employees of eligible CPs that have CDS trading experience and are deemed seconded to ICC to assist with default management and the close-out process. Currently, Subsection 4.4 provides only for an in-person meeting of the CDS Default Committee in a private room at ICC's New York offices (''Secure Trading Facility''). The proposed changes specify that ICC may convene its CDS Default Committee at the Secure Trading Facility or remotely by teleconference (''Remote Trader Consultation'') in the event the Committee is unable to meet in person. The proposed changes also specify that the ICC Chief Risk Officer (''CRO'') will decide whether to convene the CDS Default Committee in person or remotely, and that such decision will depend on the circumstances at the time of the declaration of the default.

ICC also proposes updates to Section 6 (Default Declaration). Currently, Subsection 6.1.5 (CCO Pre-Declaration Initiated Actions) requires the ICC Chief Compliance Officer (''CCO'') to inform default contacts at the Commission and the Commodity Futures Trading Commission (''CFTC'') by telephone of a potential CP default. The proposed changes to Subsection 6.1.5 would allow the CCO to inform the default contacts at Commission and the CFTC by telephone or email of a potential default, and further direct the CCO to inform other regulators of the potential default as may be required. Amended Subsection 6.4 (Default Declaration Notification) similarly directs the CCO to notify other regulators (in addition to the Commission and the CFTC) of a default if applicable, and replaces the word ''all'' with ''above'' in the phrase ''Upon the CCO confirming all notifications have been completed,'' in the last paragraph of this subsection.

The proposed updates to Subsection 6.5.3 (CRO Post-Declaration Preparation) relate to the CRO's actions to convene the CDS Default Committee after a declaration of default and to determine whether this Committee will meet in person or remotely at such post-declaration phase. If the CRO convenes an in-person CDS Default Committee meeting at the Secure Trading Facility, the proposed updates to Subsection 6.5.3 clarify that the CRO will work with ICC's Risk Committee and other ICC staff as required to perform certain specified actions. The proposed revisions to Subsection 6.5.4 (CCO Post-Declaration Actions) make clarifications in respect of the notice that the CCO provides to the compliance personnel of a CDS Default Committee member following a declaration of a default, including the prospect that the CDS Default Committee may meet by teleconference.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein have the meanings specified in the ICC Clearing Rules (the ''Rules'').

[4] Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC Clearing Participant Default Management Procedures, Exchange Act Release No. 90841 (January 4, 2021), 86 FR 1555 (January 8, 2021) (SR–ICC–2020–014) (''Notice'').

[5] The description herein is substantially excerpted from the Notice.

[6] *See* Notice, 86 FR at 1555.

ICC also proposes changes to Section 7 (CDS Default Committee Consultation). The proposed changes reference ICC's ability to convene the CDS Default Committee remotely. Amended Subsection 7.1 (Convening a CDS Default Committee Meeting) formalizes the process for convening a CDS Default Committee for Remote Trader Consultation, including the procedure for the CRO to request that ICC's Risk Department will provide the notice via email to CDS Default Committee members and what information is included in the notice. The changes also specify the particular email contents and other actions that would be taken for convening the CDS Default Committee at the Secure Trading Facility or by Remote Trader Consultation, respectively, or by either means. Amended Subsection 7.3 (Initial CDS Default Committee Meeting) specifies that ICC's provision of access to the cleared portfolios of defaulting CPs are conducted where technologically practicable during the initial CDS Default Committee meeting. Current Subsection 7.3 does not contain the phrase ''where technologically practicable.'' In addition, amended Subsection 7.3 makes minor grammatical updates, including adding a parenthetical and updating the sentence structure for clarity.

III. Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization presenting it.[7] For the reasons given below, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[8] and Rules 17Ad–22(e)(2)(i), (e)(2)(v), and (e)(13) thereunder.[9]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible, and, in general, to protect investors and the public interest.[10]

The Commission believes that, by clarifying ICC's process for convening remote meetings of its CDS Default Committee and updating its default notification procedures to regulators and CP trading and compliance personnel, the proposed rule change should enhance ICC's ability to manage the risks associated with a CP default and the timely close-out of the defaulter's CDS portfolio. Specifically, the Commission believes that, by including explicit authorization and instructions for the CRO to convene the CDS Default Committee for Remote Trader Consultation via teleconference if circumstances prevent the CDS Default Committee from meeting in person, the proposed rule change would enhance the ability of ICC to respond promptly to the risks posed by a given CP default situation and would provide particular processes for addressing a default via a Remote Trader Consultation. Likewise, the Commission believes that, by including updated notification procedures related to a CP default, ICC's relevant stakeholders, such as the CDS Default Committee members, CP trading and compliance personnel, and regulators, would be better informed of the status of a CP default situation, thus facilitating their ability to participate in the default management process as needed and provide prompt and responsive feedback.

Therefore, the Commission believes that the proposed rule change generally should provide ICC with enhanced clarity, efficiency and flexibility in how it manages and responds to the risks of CP defaults, which in turn should help ICC maintain its resilience in the event of a default. By improving ICC's ability to manage a CP default, the Commission believes that the proposed rule change should also improve ICC's ability to avoid losses that could result from a CP default. The Commission further believes that such losses, if not properly managed, could hinder ICC's ability to continue operations and therefore clear and settle securities transactions and safeguard securities and funds in its custody or control. Therefore, for these reasons, the Commission finds that the proposed rule change should promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds in ICC's custody and control, consistent with the Section 17A(b)(3)(F) of the Act.[11]

B. Consistency With Rules 17Ad–22(e)(2)(i) and (v)

Rules 17Ad–22(e)(2)(i) and (v) require, in relevant part, that ICC establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility.[12]

The Commission believes that the proposed rule change's revisions to assign clear and updated responsibilities to the CRO and CCO during each phase of the default declaration process in the Default Management Procedures provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility. Specifically, the proposed rule change would update and clarify the CCO's pre-declaration, default declaration, and post-declaration notification responsibilities, so that information is imparted to all relevant stakeholders. Further, the proposed rule change would update and clarify the CRO's post-declaration responsibilities, including documenting the CRO's decision-making authority and actions for convening the CDS Default Committee at either an in-person meeting at the Secure Trading Facility or via Remote Trader Consultation by teleconference, depending on the circumstances at the time of the default declaration. In the Commission's view, including these responsibilities should ensure that the relevant stakeholders have clear and transparent information on their respective roles and responsibilities at each phase of the default management process. Accordingly, the Commission believes that the proposed revisions to the Default Management Procedures are reasonably designed to provide for governance arrangements that are clear and transparent and that specify clear and direct lines of responsibility, consistent with Rules 17Ad–22(e)(2)(i) and (v).[13]

C. Consistency With Rule 17Ad–22(e)(13)

Rule 17Ad–22(e)(13) requires ICC to establish, implement, maintain and enforce written policies and procedures reasonably designed to ensure that it has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations by, at a minimum, requiring its participants and, when practicable, other stakeholders to

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(2)(i), (e)(2)(v), and (e)(13).

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[13] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

participate in the testing and review of its default procedures, including any close-out procedure, at least annually and following material changes thereto.

By amending the Default Management Procedures to document and formalize the procedures for convening the CDS Default Committee remotely by teleconference, the proposed rule change would promote ICC's ability to efficiently and safely manage its close-out process when the CDS Default Committee cannot meet in person, which would help to ensure that ICC has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations in the event of default. In addition, the Commission believes the proposed updates and clarification changes to the default notification procedures would ensure that ICC's relevant stakeholders stay informed throughout the default management process and enable them to provide responsive feedback that may also help ICC to take timely action to contain losses and liquidity demands while meeting its obligations. For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(13).[14]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[15] and Rules 17Ad–22(e)(2)(i), (e)(2)(v), and (e)(13) thereunder.[16]

It is therefore ordered pursuant to Section 19(b)(2) of the Act[17] that the proposed rule change (SR–ICC–2020–014) be, and hereby is, approved.[18]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02868 Filed 2–11–21; 8:45 am]

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[14] 17 CFR 240.17Ad–22(e)(13).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 17 CFR 240.17Ad–22(e)(2)(i), (e)(2)(v), and (e)(13).

[17] 15 U.S.C. 78s(b)(2).

[18] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–104, OMB Control No. 3235–0119]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Rule 12g3–2

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 12g3–2 (17 CFR 240.12g3–2) under the Securities Exchange Act of 1934 (the ''Exchange Act'') provides an exemption from Section 12(g) of the Exchange Act (15 U.S.C. 78l(g)) for foreign private issuers. Rule 12g3–2 is designed to provide investors in foreign securities with information about such securities and the foreign issuer. The information filed under Rule 12g3–2 must be filed with the Commission and is publicly available. We estimate that it takes 8.95 hours per response to prepare and is filed by approximately 1,386 respondents. Each respondent files an estimated 12 times submissions pursuant to Rule 12g3–2 per year for a total of 16,632 respondents. We estimate that 25% of 8.95 hours per response (2.237 hours per response) to provide the information required under Rule 12g3–2 for a total annual reporting burden of 37,206 hours (2.237 hours per response × 16,632 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 8, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02865 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91078; File No. SR–CboeEDGX–2021–009]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend the Fee Schedule

February 8, 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 February 1, 2021, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fee schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[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 proposes to amend its fee schedule applicable to its equities trading platform (''EDGX Equities'') by amending its Add/Remove Volume Tiers, effective February 1, 2021.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 16% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays credits to members that provide liquidity and assesses fees to those that remove liquidity. The Exchange's fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders priced at or above $1.00, the Exchange provides a standard rebate of $0.0016 per share for orders that add liquidity and assesses a fee of $0.0027 per share for orders that remove liquidity. For orders priced below $1.00, the Exchange [sic] a standard rebate of $0.00009 per share for orders that add liquidity and assesses a fee of 0.30% of Dollar Value for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Currently, the Exchange provides for certain Add/Remove Volume Tiers under footnote 1 of the Fee Schedule. More specifically, the Add/Remove Volume Tiers provide for seven different volume tiers that offer enhanced rebates on Members' orders yielding fee codes ''B''[4], ''V''[5], ''Y''[6], ''3''[7] and ''4''[8], where a Member reaches certain volume-based criteria offered in each tier. Two of these tiers are ''Growth Tiers'', which are designed to encourage growth in order flow by providing specific criteria in which Members must increase their relative liquidity each month over a predetermined baseline. Growth Tier 2, for example, provides an enhanced rebate of $0.0027 on qualifying orders (*i.e.,* B, V, Y, 3 and 4) where a Member has a Retail Step-Up Add TCV[9] (*i.e.,* yielding fee code ZA)[10] from May 2020 that is greater than or equal to 0.10%. The Exchange now proposes to amend Growth Tier 2 to provide an increased enhanced rebated of $0.0030 on qualifying orders where a Member: (1) Has a Step-Up Add TCV from January 2021 greater than or equal to 0.10%; (2) adds an ADV[11] greater than or equal to 0.50% of the TCV; and (3) removes an ADV of greater than or equal to 0.80% of the TCV.

Additionally, under the Add/Remove Volume Tiers in footnote 1 of the Fee Schedule, the Exchange also provides for three Non-Displayed Add Volume Tiers, which offer enhanced rebates on Members' orders yielding fee codes ''DM''[12], ''HA''[13], ''MM''[14] and ''RP''[15] where a Member reaches certain required volume-based criteria offered in each tier. For example, Non-Displayed Add Volume Tier 3 provides an enhanced rebated of $0.0025 on qualifying orders (*i.e.,* DM, HA, MM and RP) where a Member has an ADAV[16] of greater than or equal to 0.10% of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP. The Exchange now proposes to add a new Non-Displayed tier, specifically, a Non-Displayed Step-Up Tier, which provides an enhanced rebate of $0.0025 where a Member: (1) Has a Step-Up Add TCV from January 2021 greater than or equal to 0.10%; (2) adds an ADV greater than or equal to 0.50% of the TCV; and (3) removes an ADV of greater than or equal to 0.80% of the TCV.

Growth Tier 2, as amended, and the new Non-Displayed Step-Up Tier, both of which offer the same three-pronged criteria, are designed to incentivize overall order flow, particularly by offering enhanced rebates for both displayed (*i.e.,* B, V, Y, 3 and 4) and non-displayed (DM, HA, MM and RP) orders if a Member meets the different, incrementally more difficult criteria as amended in Growth Tier 2 or the additional opportunity as provided in the proposed Non-Displayed Step-Up Tier. Specifically the proposed criteria will encourage a Member to: (1) Grow in overall order flow (by providing criteria in which a Member must increase relative overall order flow, not just retail order flow, each month over baseline liquidity in January 2021); (2) increase

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (January 25, 2021), available at *https://markets.cboe.com/us/equities/market_statistics/.*

[4] Appended to orders that add liquidity to EDGX (Tape B) and offers a rebate of $0.0016 per share.

[5] Appended to orders that add liquidity to EDGX (Tape A) and offers a rebate of $0.0016 per share.

[6] Appended to orders that add liquidity to EDGX (Tape C) and offers a rebate of $0.0016 per share.

[7] Appended to orders that add liquidity to EDGX pre and post market (Tape A or C) and offers a rebate of $0.0016 per share.

[8] Appended to orders that add liquidity to EDGX pre and post market (Tape B) and offers a rebate of $0.0016 per share.

[9] ''Step-Up Add TCV'' means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV. ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. ''ADAV'' means ADAV means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

[10] Appended to Retail Orders that add liquidity to EDGX and offers a rebate of $0.0032 per share.

[11] ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

[12] Appended to orders that add liquidity using MidPoint Discretionary order within discretionary range and are provided a rebate of $0.00100.

[13] Appended to non-displayed orders that add liquidity and are provided a rebate of $0.00100.

[14] Appended to non-displayed orders that add liquidity using Mid-Point Peg and are provided a rebate of $0.00100.

[15] Appended to non-displayed orders that add liquidity using Supplemental Peg and are provided a rebate of $0.00100.

[16] ''ADAV'' means ADAV means average daily added volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis.

liquidity adding volume; and (3) increase in liquidity removing volume, in order to receive the proposed enhanced rebates. Overall, the proposed criteria and enhanced rebates provide an additional opportunity for Members to submit more order flow inclusive of all orders, liquidity adding Members on the Exchange to contribute to a deeper, more liquid market, and liquidity executing Members on the Exchange to increase transactions and take execution opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[17] in general, and furthers the objectives of Section 6(b)(4),[18] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [19] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule change reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. In particular, the Exchange believes the proposed changes to Growth Tier 2 and the proposed new Non-Displayed Step-Up Tier are reasonable because they either amend an existing opportunity or provide an additional opportunity for Members to receive an enhanced rebate on qualifying orders by means of overall order flow, including both liquidity adding and removing orders. The Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[20] including the Exchange,[21] and are reasonable, equitable and non-discriminatory because they are open to all members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Additionally, as noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume and/or growth thresholds. These competing pricing schedules, moreover, are presently comparable to those that the Exchange provides, including the pricing of comparable tiers.[22]

Moreover, the Exchange believes the two proposed tiers are a reasonable means to encourage overall growth in Members' overall order flow to the Exchange and to incentivize Members to continue to provide liquidity adding and liquidity removing to the Exchange by offering them a different or additional opportunity than those opportunities currently under the Add/Remove Volume Tiers to receive an enhanced rebate on qualifying orders. The Exchange believes that the proposed tiers, each based on a Member's overall growth in all order flow and their liquidity adding and removing orders, will generally benefit all market participants by incentivizing continuous liquidity and thus, deeper more liquid markets as well as increased execution opportunities. Indeed, the Exchange notes that greater add volume order flow may provide for deeper, more liquid markets and execution opportunities, and greater remove volume order flow may increase transactions on the Exchange, which the Exchange believes incentivizes liquidity providers to submit additional liquidity and execution opportunities, thus, providing an overall increase in price discovery and transparency on the Exchange.

Further, the Exchange believes that the proposed rule changes are reasonable as they do not represent a significant departure from the current criteria or enhanced rebates currently offered in the Fee Schedule. First, the Exchange believes that modifying existing criteria in Growth Tier 2 is reasonably designed to be incrementally more difficult to achieve than the current criteria and therefore is commensurate with the proposed increased enhanced rebate. The Exchange also believes that the proposed criteria and enhanced rebate remains in line with the incremental increase in difficulty from Growth Tier 1. Growth Tier 1 may be met if a Member: (1) Adds an ADV greater than or equal to 0.20% of the TCV; and (2) has a Step-Up Add TCV from March 2019 of greater than or equal to 0.10%., whereas proposed Growth Tier 2 provides for an additional prong of criteria, as well as modestly increased percentages of ADV over TCV, that a Member must meet to receive an enhanced rebate. Second, the Exchange believes that the proposed criteria in the new Non-Displayed Step-Up Tier is of comparable difficulty to the criteria in Non-Displayed Add Volume Tier 3, which offers the same enhanced rebate for the same qualifying orders if a Member has an ADAV greater than or equal to 0.10% of TCV for Non-Displayed orders that yield fee codes DM, HA, HI, MM or RP. The Exchange notes that the sum of Non-Displayed orders only as an add-volume (ADAV) percentage presents a more narrow, thus comparable in difficulty, type of order flow that a Member must submit to achieve the criteria in Non-Displayed Add Volume Tier 3, and therefore, the proposed enhanced rebate offered under the Non-Displayed Step-Up Tier is commensurate with the same enhanced

[17] 15 U.S.C. 78f.

[18] 15 U.S.C. 78f(b)(4).

[19] 15 U.S.C. 78f.(b)(5).

[20] *See e.g.,* Nasdaq PSX Price List [sic], Rebate to Add Displayed Liquidity (Per Share Executed), and Rebate to Add Other Non-Displayed Liquidity, which provide rebates to members for adding displayed and non-displayed liquidity over certain thresholds of TCV ranging between $0.00075 and $0.00305, available at *http://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2*; *and* Cboe BZX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers, which provides similar incentives for displayed and non-displayed liquidity and offers rebates ranging between $0.0018 and $0.0031.

[21] *See generally,* Cboe EDGX U.S. Equities Exchange Fee Schedule, Footnote 1, Add Volume Tiers [sic].

[22] *See supra* note 20.

rebate offered under Non-Displayed Add Volume Tier 3.

The Exchange believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will continue to be eligible for Growth Tier 2, as amended, and all Members will be eligible for proposed Non-Displayed Step-Up Tier. All Members will have the opportunity to meet the two tiers' criteria and will receive the proposed corresponding enhanced rebates for their respective qualifying orders if they meet such criteria. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tiers. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that at least three Members will be able to compete for and reach the proposed criteria in Growth Tier 2 and the Non-Displayed Step-Up Tier. The Exchange anticipates that multiple Member types will compete to reach the proposed tiers, broker-dealers and liquidity providers, each providing distinct types of order flow to the Exchange to the benefit of all market participants. The Exchange also notes that proposed tiers will not adversely impact any Member's pricing or ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under either of the proposed tiers, the Member will merely not receive that corresponding enhanced rebate. Furthermore, the proposed enhanced rebates in Growth Tier 2 and the Non-Displayed Step-Up Tier will each automatically and uniformly apply to all Members' qualifying orders for all Members that meet the required criteria under the proposed tiers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies to all Members equally in that all Members are eligible for the proposed Growth Tier and Non-Displayed Step-Up Tier, have a reasonable opportunity to meet the tiers' criteria and will all automatically and uniformly receive the corresponding enhanced rebate on their respective qualifying orders if such criteria is met. Additionally, the proposed tiers are designed to attract additional overall order flow to the Exchange. The Exchange believes that the amended and additional tier criteria would incentivize market participants to grow their overall order flow submitted to the Exchange, both liquidity adding and removing order flow, bringing with it improved price transparency. The Exchange believes greater overall order flow and pricing transparency benefits all market participants on the Exchange by providing more trading opportunities, enhancing market quality, and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem, which benefits all market participants.

The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including 15 other equities exchanges and off-exchange venues and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% of the market share. Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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.'' The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and paragraph (f) of Rule 19b–4 [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2021–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2021–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2021–009 and should be submitted on or before March 5, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02857 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91079; File No. SR–OCC–2020–016]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change to Concerning the Options Clearing Corporation's System for Theoretical Analysis and Numerical Simulation ("STANS") Methodology Documentation

February 8, 2021.

I. Introduction

On December 9, 2020, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR–OCC–2020–016 ("Proposed Rule Change") pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Exchange Act") [1] and Rule 19b–4 [2] thereunder to adopt a new document describing OCC's system for calculating daily and intra-day margin requirements for its Clearing Members.[3] The Proposed Rule Change was published for public comment in the **Federal Register** on December 29, 2020.[4] The Commission has received no comments regarding the Proposed Rule Change. This order approves the Proposed Rule Change.

II. Background

To manage the credit risk posed by its Clearing Members, OCC collects margin collateral both daily and intraday. OCC uses its System for Theoretical Analysis and Numerical Simulation ("STANS") to set risk-based margin requirements for its Clearing Members. The margin requirements calculated using STANS consist of an estimate of a 99 percent expected shortfall ("ES") over a two-day time horizon with additional charges for model risk, stress tests, liquidation costs, and various add-ons.

OCC maintains technical documentation that describes how the various quantitative components of STANS were developed and operate, including the various parameters and assumptions contained within those components [5] and the mathematical theories underlying the selection of those quantitative methods ("Model Whitepapers"). The Model Whitepapers are currently synthesized in a single document, the Margins Methodology, describing how STANS operates from end to end. Pursuant to section 19(b) of the Exchange Act and Rule 19b–4 thereunder,[6] OCC has filed, and the Commission has approved, sections of OCC's Margins Methodology as rules in the past.[7] OCC has not, however, filed the Margins Methodology in its entirety. Additionally, OCC has requested confidential treatment for those sections of the Margins Methodology that it has filed with the Commission.[8]

OCC now proposes to replace the Margins Methodology in its entirety (both sections that have and have not been filed as rules) with a description of OCC's system for calculating daily and intra-day margin requirements for its Clearing Members (the "STANS Methodology Description").[9] OCC stated that the proposed STANS Methodology Description includes the material aspects of OCC's risk-based margin system.[10] OCC intends to make the proposed STANS Methodology

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Notice of Filing *infra* note 4, 85 FR at 85788.

[4] Securities Exchange Act Release No. 34–90763 (Dec. 21, 2020), 85 FR 85788 (Dec. 29, 2020) (File No. SR–OCC–2020–016) ("Notice of Filing").

[5] *See* Securities Exchange Act Release No. 82473 (Jan. 9, 2018), 83 FR 2271 (Jan. 16, 2018) (File No. SR–OCC–2017–011), which describes how OCC periodically reviews the parameters and assumptions used by STANS pursuant to its Model Risk Management Policy and in accordance with 17 CFR 240.17Ad–22(e)(6).

[6] 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4.

[7] *See* Securities Exchange Act Release No. 74966 (May 14, 2015), 80 FR 29784 (May 22, 2015) (File No. SR–OCC–2015–010); Securities Exchange Act Release No. 76128 (Dec. 28, 2015), 81 FR 135 (Jan. 4, 2016) (File No. SR–OCC–2015–016); Securities Exchange Act Release No. 79818 (Jan. 18, 2017), 82 FR 8455 (Jan. 25, 2017) (File No. SR–OCC–2017–001); Securities Exchange Act Release No. 82161 (Nov. 28, 2017), 82 FR 57306 (Dec. 4, 2017) (File No. SR–OCC–2017–022); Securities Exchange Act Release No. 84524 (Nov. 2, 2018), 83 FR 55918 (Nov. 8, 2018) (File No. SR–OCC–2018–014); Securities Exchange Act Release No. 85440 (Mar. 28, 2019), 84 FR 13082 (Apr. 3, 2019) (File No. SR–OCC–2019–002); Securities Exchange Act Release No. 85755 (Apr. 30, 2019), 87 FR 19815 (May 6, 2019) (File No. SR–OCC–2019–004); Securities Exchange Act Release No. 86296 (Jul. 3, 2019), 84 FR 32816 (Jul. 9, 2019) (File No. SR–OCC–2019–005); Securities Exchange Act Release No. 87387 (Oct. 23, 2019), 84 FR 57890 (Oct. 29, 2019) (File No. SR–OCC–2019–010); Securities Exchange Act Release No. 89392 (Jul. 24, 2020), 85 FR 45938 (Jul. 30,2020) (File No. SR–OCC–2020–007); Securities Exchange Act Release No. 90139 (Oct. 8, 2020), 85 FR 65886 (Oct. 16, 2020) (File No. SR– OCC–2020–012).

[8] *See id.*

[9] OCC also proposes conforming changes to its Margin Policy.

[10] *See* Notice of Filing, 85 FR at 85789.

Description available to Clearing Members.[11]

The proposed STANS Methodology Description would include substantially the same information as the Margins Methodology with the exception of various details, described below, that OCC does not believe would be appropriately included in the STANS Methodology Description.[12] OCC stated that the purpose of the STANS Methodology Description would be to enable an informed reader to understand OCC's modeling choices and the interconnectedness of STANS model components in producing OCC margin requirements, and that the portions of the Margins Methodology not carried forward in the STANS Methodology Description are extraneous to this purpose.[13]

Proposed STANS Methodology Description

As noted above, the proposed STANS Methodology Description covers OCC's system for calculating daily and intra-day margin requirements for its Clearing Members. The proposed document includes three sections with various subsections as described below and in greater detail in the Notice of Filing. The STANS Methodology Description begins with an executive summary. The executive summary would state that the purpose of STANS is to determine margin requirements for OCC's Clearing Members, and would describe the types of positions and collateral modeled through STANS. The executive summary would also briefly describe OCC's procedures related to both model monitoring and price editing.

Model components. The bulk of the STANS Methodology Description covers the model components in STANS, including model and econometric calibration, copula construction, implied volatility smoothing and options pricing, and the application of the theoretical derivatives prices to actual positions in Clearing Members' accounts to calculate margin requirements through the aggregation of various component charges. The sub-sections related to model and econometric calibration cover the use of (i) returns on equity securities that are based on current market prices to create econometric parameters and for pricing; (ii) implied volatility risk factors to measure the expected future volatility of an option's underlying security at expiration; (iii) Nelson-Siegel framework to price treasury securities; (iv) a generic futures model to price linear derivatives with limited term structures; (v) a specialized factor model to price variance futures; (vi) a synthetic futures model to price specified products such as volatility index-based futures (*e.g.,* VIX futures); and (vii) econometric parameters related to volatility forecasts and marginal distributions, and calibrates these parameters using ten-year histories of the foregoing data inputs.

The sub-sections related to copula construction describes the use of a copula to quantify the joint behavior and dependence structure of the risk factors used by STANS.[14] The STANS Methodology Description covers OCC's process for estimating the copula as well as simulating price movements based on random draws from the multivariate Student's t-distribution described by the copula. The document also describes OCC's process for identifying and separately processing risk factors with incomplete data sets that lack sufficient data to estimate the copula. Specifically, the STANS Methodology Description addresses the application of conditional and default simulations to estimate correlations for risk factors excluded from the copula simulation in STANS due to a lack of data.

The sub-sections related to implied volatility smoothing and options pricing describe how OCC uses the inputs and outputs described in the subsections on model and econometric calibration and copula construction. Specifically, the STANS Methodology Description discusses OCC's processing for performing implied volatility smoothing as well as pricing European-style options, American-style options, Asian FLEX options,[15] and Cliquet options.[16] The document also discusses how STANS can also be used to price forward start options.[17]

The sub-sections related to the aggregation of various component charges discuss a based margin charge, error compensation charge, liquidation cost charge, and positive risk reversal charge. The base margin charge consists of an ES calculation with the addition of Extreme Value Theory loss modeling and a stress test component. The error compensation charge is designed to compensate for the estimation error inherent in ES calculations. The liquidation cost charge is designed to cover the costs of selling long positions at the current bid price and covering short positions at the current ask price following the default of a Clearing Member. The positive risk reversal charge ensures that total calculated margin requirement is at least equal to the estimated liquidation cost, even in the event a position is liquidated at the current market price.

Model utilities. The final substantive section of the STANS Methodology Description addresses several model utilities that OCC applies at various points in the STANS methodology, to incorporate various market and operational factors that affect options pricing and thereby produce model results which more accurately reflect current and potential market conditions. Such utilities include the incorporation of expected cash dividends on a stock into options pricing in STANS. The STANS Methodology Description also addresses OCC's processes for obtaining relevant risk factors for both the most recent opening price and the most recent closing price to include a joint distribution of both overnight and daily returns on relevant risk factors within the copula described above. Further, the STANS Methodology Description discusses OCC's process for addressing option expirations occurring during the period in which OCC closes out a defaulted Clearing Member's portfolio. Finally, the document describes the portfolio specific haircut model that OCC uses to haircut values for withdrawals or deposits of collateral made throughout the day.

Additional Details

As noted above, STANS Methodology Description would not include details from the Margins Methodology that OCC believes are extraneous to the purpose of enabling an informed reader to understand OCC's modeling choices and the interconnectedness of STANS model components in producing OCC margin requirements. As described below, and in greater detail in the Notice of Filing, the details in the Margins Methodology that would not be included in the

[11] *See* Notice of Filing, 85 FR at 85790.

[12] OCC does not propose to change its margin methodology as part of the Proposed Rule Change.

[13] *See* Notice of Filing, 85 FR at 85790.

[14] A copula is a mathematical construct used in probability theory to calculate the cumulative distribution of a set of random variables.

[15] Asian options are European-style options for which the settlement price is determined based on the difference between the aggregate exercise price and the aggregate current underlying interest value, which is based on the average of twelve monthly price observations. *See* Securities Exchange Release No. 74966 (May 14, 2015), 80 FR 29784 (May 22, 2015) (File No. SR–OCC–2015–010).

[16] Cliquet options are European-style options for which the settlement price is determined based on the (positive) sum of capped returns of an index on pre-determined dates over a specified period of time. *See id.,* n. 9.

[17] Forward start options are options for which the strike price in dollars is unknown prior to the determination date of the strike shortly before expiration. *See* Notice of Filing, 85 FR at 85796.

STANS Methodology Description fall thematically into eight categories.[18]

First, the STANS Methodology Description would not describe historical modeling practices and potential future enhancements that do not describe how a model currently functions. For example, the STANS Methodology Description would not include background on OCC's decision to incorporate implied volatility modeling into STANS. Similarly, the STANS Methodology Description would not summarize historical changes OCC has made to the manner in which STANS calculates a total margin charge.

Second, the STANS Methodology Description would not describe the set of current products to which each STANS component applies. For example, the STANS Methodology Description would list products eligible for implied volatility scenarios modeling in STANS.

Third, the STANS Methodology Description would not describe OCC's model configuration choices. Such configuration choices include a list of control parameters of the Newton-Raphson method OCC uses to calculate implied volatilities for vanilla options. Similarly, the STANS Methodology Description would not describe the parameters that OCC uses to calibrate liquidation grids when calculating its liquidation cost charge.

Fourth, the STANS Methodology Description would not describe model testing results and supporting rationale. Such testing results would include model testing and validation results for OCC's implied volatility model. Similarly, the STANS Methodology Description would not describe the mathematical rationale for the cumulative distribution function, inverse cumulative distribution function, and degrees of freedom for the Student's t-distribution used by the GARCH model for implied volatility risk factors.

Fifth, the STANS Methodology Description would not describe standard mathematical and economic theories and techniques that are well-known in quantitative finance, readily found in public sources, and do not include OCC-specific modifications or applications. For example, the STANS Methodology Description would not describe the standard Glosten-Jagannathan-Runkle GARCH model and the use of a Student's t-distribution. Similarly, the STANS Methodology Description would not describe the Vega-weighted least squares calculation performed during the first round of optimization to produce arbitrage-free options prices for European options.

Sixth, the STANS Methodology Description would not include redundant descriptions of a model component appearing in multiple chapters. For example, the Executive Summary of the STANS Methodology Description would not include details of the STANS methodology also found in the main body of the document. Similarly, the section of the proposed STANS Methodology Description discussing conditional and default simulations would not include introductory text restating the use of time series in STANS, which is described elsewhere in the document.

Seventh, the STANS Methodology Description would not describe OCC's implementation of a model in its internal technology systems. Such details include detailed steps for a linear interpolation/extrapolation used to construct a volatility surface from smoothed volatilities. Similarly, the STANS Methodology Description would not include discussion of the processes OCC uses to operationalize the STANS methodology in its systems.

Finally, the STANS Methodology Description would not describe manual margin adjustments and add-ons that OCC employs pursuant to OCC rules, policies, or procedures outside of STANS. Such adjustments include additional margin charges related to cross-margin accounts established under OCC's Rule 704. Similarly, the STANS Methodology Description would not describe ''derived scenarios,'' which are a special case of conditional simulations related to exchange rate risk factors addressed elsewhere in OCC's procedures.

Changes to Margin Policy

OCC also proposes conforming changes to its Margin Policy to reflect the adoption of the STANS Methodology Description and the retirement of the Margins Methodology. Additionally, OCC proposes to make other non-substantive changes to the Margin Policy to correct typographical errors, update references to other related internal OCC policies and procedures, and conform the policy to OCC's current internal policy template.

III. Discussion and Commission's Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.[19] After carefully considering the Proposed Rule Change, the Commission finds that the proposal is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Exchange Act,[20] Rule 17Ad–22(e)(6)[21] thereunder, as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.[22] OCC uses STANS to set risk-based margin requirements for its Clearing Members. OCC proposes to describe its modeling choices and the interconnectedness of STANS model components in producing such margin requirements within its rules by adopting the STANS Methodology Description. The aspects of STANS described in the STANS Methodology Description directly relate to OCC's ability to accurately risk manage Clearing Member portfolios by calculating and collecting an appropriate amount of collateral. The Commission notes that only some of the aspects of STANS addressed in the STANS Methodology Description are currently addressed in the portions of the Margins Methodology that OCC has filed with the Commission.

The Commission believes that, even with the removal of the additional details from the Margins Methodology described above, the proposed STANS Methodology Description is designed to help ensure that OCC's margin methodology calculates and collects margin sufficient to mitigate OCC's credit exposure to a Clearing Member default. The Commission also believes that accurate calculation of margin is necessary to help ensure that OCC is able to risk manage the default of a Clearing Member without recourse to the assets of non-defaulting Clearing Members, which supports the safeguarding of securities and funds in OCC's custody. Accordingly, the Commission believes that the replacement of the Margins Methodology with the STANS Margin

[18] *See* Notice of Filing, 85 FR at 85790.

[19] 15 U.S.C. 78s(b)(2)(C).

[20] 15 U.S.C. 78q–1(b)(3)(F).

[21] 17 CFR 240.17Ad–22(e)(6).

[22] 15 U.S.C. 78q–1(b)(3)(F).

Description is consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.[23]

B. Consistency With Rule 17Ad–22(e)(6) Under the Exchange Act

Rules 17Ad–22(e)(6) generally requires each covered clearing agency that provides central counterparty services to establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposure to its participants by establishing a risk-based margin system that meets certain standards.[24] As described above, the STANS Methodology Description addresses OCC's modeling choices and the interconnectedness of STANS model components in producing risk-based margin requirements.

Section (i) under Rule 17Ad–22(e)(6) requires that the policies and procedures required pursuant to Rule 17Ad–22(e)(6) describe a risk-based margin system that considers and produces margin levels commensurate with the risks and particular attributes of each relevant product, portfolio, and market.[25] As described above, the STANS Methodology Description covers various components of STANS designed to address the particular attributes of the products that OCC clears (*e.g.,* American-style options, European-style options, Asian FLEX options, Cliquet options) as well as the risks presented by a specific portfolio (*e.g.,* liquidation cost charges). Further, the STANS Methodology Description also describes OCC's process addressing the entrance of new products into the markets for which it clears (identifying and separately processing risk factors with incomplete data sets that lack sufficient data to estimate the copula).

Section (iii) under Rule 17Ad–22(e)(6) requires that the policies and procedures required pursuant to Rule 17Ad–22(e)(6) describe a risk-based margin system that calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.[26] As described above, the STANS Methodology Description discusses various model utilities that pertain to events occurring between the collection of margin and closing out of a defaulted Clearing Member's portfolio (*e.g.,* cash dividend payments, option expiration, and changes to portfolio specific haircuts due to the withdrawal or deposit of collateral).

Section (v) under Rule 17Ad–22(e)(6) requires that the policies and procedures required pursuant to Rule 17Ad–22(e)(6) describe a risk-based margin system that uses an appropriate method for measuring credit exposure to accounts for relevant product risk factors and portfolio effects across products.[27] As discussed above, the STANS Methodology Description covers the various STANS components that provide the inputs and outputs necessary for OCC to conduct implied volatility smoothing and options pricing (*e.g.,* model components addressing derivatives based on equities and treasuries as well as generic futures, variance futures, and volatility index-based futures) as well as the implied volatility smoothing and options pricing themselves.

Based on the foregoing, the Commission believes that the replacement of the Margins Methodology with the STANS Margin Description is consistent with the requirements of Rule 17Ad–22(e)(6) under the Exchange Act.[28]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act[29] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[30] that the Proposed Rule Change (SR–OCC–2020–016) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02859 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

[23] 15 U.S.C. 78q–1(b)(3)(F).

[24] 17 CFR 240.17Ad–22(e)(6).

[25] 17 CFR 240.17Ad–22(e)(6)(i).

[26] 17 CFR 240.17Ad–22(e)(6)(iii).

[27] 17 CFR 240.17Ad–22(e)(6)(v).

[28] 17 CFR 240.17Ad–22(e)(6).

[29] In approving this Proposed Rule Change, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–125, OMB Control No. 3235–0104]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form 3

Notice is hereby given that pursuant, to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Exchange Act Forms 3 is filed by insiders of public companies that have a class of securities registered under Section 12 of the Exchange Act. Form 3 is an initial statement beneficial ownership of securities. Approximately 21,968 insiders file Form 3 annually and it takes approximately 0.50 hours to prepare for a total of 10,984 annual burden hours (0.50 hours per response × 21,968 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 8, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02862 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–170, OMB Control No. 3235–0167]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:
Form 15

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 15 (17 CFR 249.323) is a certification of termination of a class of security under Section 12(g) or notice of suspension of duty to file reports pursuant to Sections 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). We estimate that approximately 1,062 issuers file Form 15 annually and it takes approximately 1.5 hours per response to prepare for a total of 1,593 annual burden hours (1.5 hours per response × 1,062 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 8, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02863 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–36, OMB Control No. 3235–0028]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 17f–2(d)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17f–2(d) (17 CFR 240.17f–2(d)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17f–2(d) requires that records created pursuant to the fingerprinting requirements of Section 17(f)(2) of the Act be maintained and preserved by every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency (''covered entities'' or ''respondents''); permits, under certain circumstances, the records required to be maintained and preserved by a member of a national securities exchange, broker, or dealer to be maintained and preserved by a self-regulatory organization that is also the designated examining authority for that member, broker or dealer; and permits the required records to be preserved on microfilm. The general purpose of Rule 17f–2 is to: (i) Identify security risk personnel; (ii) provide criminal record information so that employers can make fully informed employment decisions; and (iii) deter persons with criminal records from seeking employment or association with covered entities. The rule enables the Commission or other examining authority to ascertain whether all covered persons are being fingerprinted and whether proper procedures regarding fingerprinting are being followed. Retention of these records for a period of not less than three years after termination of a covered person's employment or relationship with a covered entity ensures that law enforcement officials will have easy access to fingerprint cards on a timely basis. This in turn acts as an effective deterrent to employee misconduct.

Approximately 3,900 respondents are subject to the recordkeeping requirements of the rule. Each respondent maintains approximately 68 new records per year, each of which takes approximately 2 minutes per record to maintain, for an annual burden of approximately 2.2666667 hours (68 records times 2 minutes). The total annual time burden for all respondents is approximately 8,840 hours (3,900 respondents times 2.2666667 hours). As noted above, all records maintained subject to the rule must be retained for a period of not less than three years after termination of a covered person's employment or relationship with a covered entity. In addition, we estimate the total annual cost burden to respondents is approximately $39,000 in third party storage costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: February 9, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02958 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–636, OMB Control No. 3235–0679]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form PF

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 204(b)–1 (17 CFR 275.204(b)–1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) implements sections 404 and 406 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'') by requiring private fund advisers that have at least $150 million in private fund assets under management to report certain information regarding the private funds they advise on Form PF. These advisers are the respondents to the collection of information.

Form PF is designed to facilitate the Financial Stability Oversight Council's (''FSOC'') monitoring of systemic risk in the private fund industry and to assist FSOC in determining whether and how to deploy its regulatory tools with respect to nonbank financial companies. The Commission and the Commodity Futures Trading Commission may also use information collected on Form PF in their regulatory programs, including examinations, investigations and investor protection efforts relating to private fund advisers.

Form PF divides respondents into two broad groups, Large Private Fund Advisers and smaller private fund advisers. ''Large Private Fund Advisers'' are advisers with at least $1.5 billion in assets under management attributable to hedge funds (''large hedge fund advisers''), advisers that manage ''liquidity funds'' and have at least $1 billion in combined assets under management attributable to liquidity funds and registered money market funds (''large liquidity fund advisers''), and advisers with at least $2 billion in assets under management attributable to private equity funds (''large private equity advisers''). All other respondents are considered smaller private fund advisers.

The Commission estimates that most filers of Form PF have already made their first filing, and so the burden hours applicable to those filers will reflect only ongoing burdens, and not start-up burdens. Accordingly, the Commission estimates the total annual reporting and recordkeeping burden of the collection of information for each respondent is as follows:

(a) For smaller private fund advisers making their first Form PF filing, an estimated amortized average annual burden of 23 hours for each of the first three years;

(b) for smaller private fund advisers that already make Form PF filings, an estimated amortized average annual burden of 15 hours for each of the next three years;

(c) for large hedge fund advisers making their first Form PF filing, an estimated amortized average annual burden of 658 hours for each of the first three years;

(d) for large hedge fund advisers that already make Form PF filings, an estimated amortized average annual burden of 600 hours for each of the next three years;

(e) for large liquidity fund advisers making their first Form PF filing, an estimated amortized average annual burden of 588 hours for each of the first three years;

(f) for large liquidity fund advisers that already make Form PF filings, an estimated amortized average annual burden of 280 hours for each of the next three years;

(g) for large private equity advisers making their first Form PF filing, an estimated amortized average annual burden of 133 hours for each of the first three years; and

(h) for large private equity advisers that already make Form PF filings, an estimated amortized average annual burden of 100 hours for each of the next three years.

With respect to annual internal costs, the Commission estimates the collection of information will result in 127.06 burden hours per year on average for each respondent. With respect to external cost burdens, the Commission estimates a range from $0 to $50,000 per adviser.

Estimates of average burden hours and costs 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. Compliance with the collection of information requirements of Form PF is mandatory for advisers that satisfy the criteria described in Instruction 1 to the Form. Responses to the collection of information will be kept confidential to the extent permitted by law. The Commission does not intend to make public information reported on Form PF that is identifiable to any particular adviser or private fund, although the Commission may use Form PF information in an enforcement action. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The 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 9, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02962 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–613, OMB Control No. 3235–0712]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Credit Risk Retention—Regulation RR

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Credit Risk Retention (''Regulation RR'') (17 CFR 246.1 through 246.22) recordkeeping and disclosure requirements implement Section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11) Section 15G clarifies the scope and application of Section 306(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7244(a)). Section 306(a) of the Sarbanes-Oxley Act requires, among other things, an issuer to provide timely notice to its directors and executive officers and to the Commission of the imposition of a blackout period that would trigger a trading prohibition under Section 306(a)(1) of the Sarbanes-Oxley Act. Section 306(a)(1) prohibits any director or executive officer of an issuer of any equity security, from directly or indirectly, purchasing, selling or otherwise acquiring or transferring any equity security of that issuer during the blackout period with respect to such equity security, if the director or executive officer acquired the equity security in connection with his or her service or employment. Approximately 1,647 issuers file using Regulation RR responses and it takes approximately 14.389 hours per response. We estimate that 75% of the 14.389 hours per response (10.792 hours) is prepared by the registrant for a total annual reporting burden of 17,774 hours (10.792 hours per response × 1,647 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 8, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02861 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91076; File No. SR–ICEEU–2021–001]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to Clearing Fees for ICE Futures Europe Three Month Swiss Average Rate Overnight (SARON®) Index Futures Contract

February 8, 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 February 1, 2021, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been primarily prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe Limited (''ICE Clear Europe'') proposes rule changes relating to amendments to clearing fees for ICE Futures Europe Three Month Swiss Average Rate Overnight (SARON®) Index futures contract (''Three Month SARON''). The proposed amendments do not involve any changes to the ICE Clear Europe Clearing Rules or Procedures.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed rule changes is for ICE Clear Europe to reduce the clearing fees for Three Month SARON in line with the changes to the notional size of the contract, which the Exchange is proposing to decrease in size by a factor of four. (Equivalent reductions in the trading fee are being proposed by the Exchange.)

As there is no current Open Interest in the Three Month SARON contract, the proposed change to the notional size of the contract is being made to help simplify the transition of Open Interest from the existing ICE Futures Europe Three Month Euroswiss futures contract (''Three Month Euroswiss''), which references Three Month Swiss Franc LIBOR, to the Three Month SARON contract which references the Swiss Average Overnight Rate. Currently, Three Month SARON is four times larger in notional size than Three Month Euroswiss so this proposed change will enable the transition of Open Interest on a one to one futures contract basis. As the contract size of the Three Month SARON contract is reducing by a factor of 4, so the trading and clearing fees will reduce by the same amount. Attached [sic] as Exhibit 5 is an attachment containing tables listing the new fee schedules and a Circular in advance of the proposed effective date. The new fees are intended to come into effect on 01 March 2021 subject to regulatory approval. The proposed revisions to the fees are described in detail as follows.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(a).

[4] 17 CFR 240.19b–4(f)(2).

[5] Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules.

Please see fee schedule and proposed changes marked up in line below:

CONTRACT LEVIES — SARON Futures	FEE (€)		
	EXCHANGE	CLEARING	TOTAL
Futures Contracts	0.~~40~~10	~~1.60~~0.40	~~2.00~~0.50
Futures Basis/Block	0.~~40~~10	~~1.60~~0.40	~~2.00~~0.50
Futures Block with Delayed Publication	0.~~56~~14	~~2.24~~0.56	~~2.80~~0.70
Futures Cash Settlement	0.~~40~~10	~~1.60~~0.40	~~2.00~~0.50

(b) Statutory Basis

ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of the Act, including Section 17A of the Act [6] and regulations thereunder applicable to it. ICE Clear Europe's fees are imposed at the product level on a per transaction basis (as are the applicable Exchange fees). As a result, the fees apply equally to all market participants who trade/clear the Contracts. ICE Clear Europe has determined that the reduced fees are commensurate with the reduction in the notional size of the contract and will provide an appropriate balance between the costs of clearing, and expenses incurred by ICE Clear Europe. As such, in ICE Clear Europe's view, the amendments are consistent with the equitable allocation of reasonable dues, fees and other charges among its Clearing Members and other market participants, within the meaning of Section 17A(b)(3)(D) of the Act,[7] and further do not unfairly discriminate among such participants in their use of the Clearing House, within the meaning of Section 17A(b)(3)(F) of the Act.[8]

(B) Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. As discussed above, because fees are imposed on a per transaction basis at the product level, the changes to the fees are applied equally to all those market participants who trade and/or clear the Contracts. The amendments with respect to the SARON contract will not result in higher fees for particular Clearing Members as they are decreasing in line with the size of the contract and therefore ICE Clear Europe believes that the new fees would be set at an appropriate level to better reflect the cost that the Clearing House takes on by facilitating the relevant clearing services. ICE Clear Europe does not believe that the amendments would adversely affect the ability of such Clearing Members or other market participants generally to access clearing services for the Contracts. Further, since the revised fees will apply to all Clearing Members that clear the products, ICE Clear Europe believes that the amendments would not otherwise affect competition among Clearing Members, adversely affect the market for clearing services or limit market participants' choices for obtaining clearing services.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) [9] of the Act and paragraph (f) of Rule 19b–4 [10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–ICEEU–2021–001 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–ICEEU–2021–001. 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 such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://*

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(D). Under this provision, ''[a] clearing agency shall not be registered unless the Commission determines that—(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.''

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(2).

www.theice.com/notices/Notices.shtml?regulatoryFilings.

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–ICEEU–2021–001 and should be submitted on or before March 5, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02858 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–270, OMB Control No. 3235–0292]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Form F–6

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for approval.

Form F–6 (17 CFR 239.36) is a form used by foreign companies to register the offer and sale of American Depositary Receipts (ADRs) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form F–6 requires disclosure of information regarding the terms of the depository bank, fees charged, and a description of the ADRs. No special information regarding the foreign company is required to be prepared or disclosed, although the foreign company must be one which periodically furnishes information to the Commission. The information is needed to ensure that investors in ADRs have full disclosure of information concerning the deposit agreement and the foreign company. Form F–6 takes approximately 1.35 hour per response to prepare and is filed by 643 respondents annually. We estimate that 25% of the 1.35 hour per response (0.338 hours) is prepared by the filer for a total annual reporting burden of 217 hours (0.338 hours per response × 643 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 8, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02864 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–609, OMB Control No.3235–0706]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form ABS–EE

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form ABS–EE (17 CFR 249.1401) is filed by asset-backed issuers to provide asset-level information for registered offerings of asset-backed securities at the time of securitization and on an ongoing basis required by Item 1111(h) of Regulation AB (17 CFR 229.1111(h)). The purpose of the information collected on Form ABS–EE is to implement the disclosure requirements of Section 7(c) of the Securities Act of 1933 (15 U.S.C. 77g(c)) to provide information regarding the use of representations and warranties in the asset-backed securities markets. We estimate that approximately 13,374 securitizers will file Form ABS–EE annually at estimated 170,089 burden hours per response. In addition, we estimate that 25% of the 50.87152 hours per response (12.71788 hours) is carried internally by the securitizers for a total annual reporting burden of 170,089 hours (12.71788 hours per response × 13,374 responses).

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to 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.*

Dated: February 9, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02960 Filed 2–11–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16862 and #16863; Maryland Disaster Number MD–00042]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Maryland

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Maryland (FEMA–4583–DR), dated 02/04/2021.

Incident: Tropical Storm Isaias.

Incident Period: 08/03/2020 through 08/04/2020.

DATES: Issued on 02/04/2021.

Physical Loan Application Deadline Date: 04/05/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/04/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/04/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Calvert, Dorchester, Saint Mary's.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16862 8 and for economic injury is 16863 0.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–02881 Filed 2–11–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16867 and #16868; Texas Disaster Number TX–00578]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 02/08/2021.

Incident: Hurricane Laura.

Incident Period: 08/23/2020 through 08/27/2020.

DATES: Issued on 02/08/2021.

Physical Loan Application Deadline Date: 04/09/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/08/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Newton, Orange, Sabine.

Contiguous Counties/Parishes:

Texas: Hardin, Jasper, Jefferson, San Augustine, Shelby.

Louisiana: Beauregard, Calcasieu, Cameron, Sabine, Vernon.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	2.375
Homeowners without Credit Available Elsewhere	1.188
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	3.000
Non-Profit Organizations with Credit Available Elsewhere	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.000
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16867 8 and for economic injury is 16868 0.

The States which received an EIDL Declaration # are Texas, Louisiana.

(Catalog of Federal Domestic Assistance Number 59008)

Tami Perriello,

Acting Administrator.

[FR Doc. 2021–02926 Filed 2–11–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16864 and #16865; Washington Disaster Number WA–00091]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Washington

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Washington (FEMA–4584–DR), dated 02/04/2021.

Incident: Wildfires and Straight-line Winds.

Incident Period: 09/01/2020 through 09/19/2020.

DATES: Issued on 02/04/2021.

Physical Loan Application Deadline Date: 04/05/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 11/04/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on

02/04/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties/Areas: Douglas, Franklin, Kittitas, Lincoln, Okanogan, Pend Oreille, Skamania, Whitman, Yakima and the Confederated Tribes of the Colville Reservation and the Confederated Tribes and Bands of the Yakama Nation.

The Interest Rates are:

For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.750
Non-Profit Organizations without Credit Available Elsewhere	2.750
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.750

The number assigned to this disaster for physical damage is 16864 5 and for economic injury is 16865 0.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–02880 Filed 2–11–21; 8:45 am]

BILLING CODE 8026–03–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36482]

East Chicago Rail Terminal, LLC—Acquisition and Operation Exemption—Rail Line of Chrome, LLC at East Chicago, Ind.

East Chicago Rail Terminal, LLC (ECRT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Chrome, LLC (Chrome), and operate approximately 467 feet of track between the connection to Indiana Harbor Belt Railroad Company (IHB) at a point 363 feet north of the center line of Michigan Avenue at East Chicago, Ind., and the end of track on private property of Chrome at East Chicago, Ind. (the Line). According to the verified notice, the Line is not identified by mileposts.

ECRT states that an agreement has been reached under which Chrome will convey the Line to ECRT. ECRT further states that, after consummation, it will provide common carrier rail service to Tri-Star DEF LLC, and also will hold itself out to provide common carrier rail service over the Line.[1]

ECRT certifies that the proposed acquisition and operation of the Line does not involve a provision or agreement that may limit future interchange with a third-party connecting carrier. ECRT further certifies that its projected annual revenues as a result of this transaction will not exceed the maximum revenue of a Class III rail carrier and will not exceed $5 million.

The transaction may be consummated on or after February 26, 2021, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than February 19, 2021 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36482, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on ECRT's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422–1336.

According to ECRT, this action is categorically excluded from environmental review under 49 CFR 1105.6 and from historic reporting requirements under 49 CFR 1105.8.

Board decisions and notices are available at *www.stb.gov.*

Decided: February 8, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Eden Besera,

Clearance Clerk.

[FR Doc. 2021–02846 Filed 2–11–21; 8:45 am]

BILLING CODE 4915–01–P

[1] ECRT states that IHB currently operates over the Line pursuant to a private side track agreement dated July 1, 1985, between IHB and a Chrome predecessor, Standard Forgings Company.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice Regarding Periodic Revision of Section 301 Action: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice.

SUMMARY: The U.S. Trade Representative together with the affected United States industry have agreed that it is unnecessary at this time to revise the action in the Section 301 investigation involving the enforcement of U.S. rights in the World Trade Organization (WTO) dispute involving Large Civil Aircraft subsidies provided by certain current or former member States of the European Union. The U.S. Trade Representative will continue to consider the action taken in the investigation.

DATES: This exception to periodic revisions is applicable as of February 8, 2021.

FOR FURTHER INFORMATION CONTACT: For questions about the investigation or this notice, contact Associate General Counsel Megan Grimball, at (202) 395–5725, or Director for Europe Michael Rogers, at (202) 395–3320.

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including: Notice of initiation (84 FR 15028 (April 12, 2019)); notice of determination and action (84 FR 54245 (October 9, 2019)); and notices of revision of action (85 FR 10204 (February 21, 2020), 85 FR 50866 (August 18, 2020), and 86 FR 674 (January 6, 2021)).

B. Periodic Revisions and Exceptions Thereto

Section 306(b)(2)(B)–(F) of the Trade Act of 1974, as amended, provides for periodic revisions of the list of goods subject to additional duties imposed in response to the failure of a U.S. trading partner to implement a WTO Dispute Settlement Body (DSB) recommendation. The statute includes exceptions to the periodic revisions. As relevant here, section 306(b)(2)(B)(ii)(II) provides that no revision is required if the U.S. Trade Representative and the U.S. industry affected by the non-compliance with the DSB recommendation agree that a revision of the list is unnecessary.

The most recent revision to the list of goods subject to additional duties was effective on January 12, 2021. *See* 86 FR 674 (January 6, 2021). In light of the recent revision, the U.S. Trade Representative has agreed with the affected U.S. industry that it is unnecessary at this time to revise the action. The U.S. Trade Representative will continue to consider the action taken in this investigation.

William Busis,

Deputy Assistant USTR for Monitoring and Enforcement and Chair, Section 301 Committee, Office of the United States Trade Representative.

[FR Doc. 2021–02869 Filed 2–11–21; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway in Georgia, State Route 400 Express Lanes, Fulton and Forsyth Counties, Georgia (Atlanta Metropolitan Area)

AGENCY: Federal Lead Agency: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitations on claims for judicial review of action by FHWA and other federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. This final agency action relates to a proposed highway project, the State Route (SR) 400 Express Lanes beginning from the North Springs Metropolitan Atlanta Rapid Transit Authority (MARTA) station in Fulton County and ending at 0.9 mile north of McFarland Parkway in Forsyth County, Georgia. The approximate length of the proposed project is approximately 16 miles. The FHWA's Finding of No Significant Impact (FONSI) provides details on the Selected Alternative for the proposed improvements.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 12, 2021. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Moises Marrero, Division Administrator, Georgia Division, Federal Highway Administration, 61 Forsyth Street, Suite 17T100; Atlanta, Georgia 30303; 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday, (404) 562–3630; email: *Moises.Marrero@dot.gov.* For Georgia Department of Transportation (GDOT): Mr. Russell McMurry Commissioner, Georgia Department of Transportation, 600 West Peachtree Street, 22nd Floor, Atlanta, Georgia 30308, 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday, Telephone: (404) 631–1990, email: *RMcMurry@dot.ga.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other federal agencies have taken final actions by issuing licenses and approvals for the following highway project in the State of Georgia: The State Route 400 Express Lanes located in metropolitan Atlanta, Georgia. The Selected Alternative will add two (2) priced Express Lanes in each direction along State Route 400 from North Springs MARTA station (currently Exit 5C) to McGinnis Ferry Road and one (1) priced Express Lane in each direction from McGinnis Ferry Road to approximately 0.9 mile north of McFarland Parkway (currently Exit 12) in Forsyth County. The approximate length of the proposed construction is approximately 16 miles. The facility will be tolled by electronic toll lane (ETL). The purpose of the project is listed below:

- Provide a transportation alternative that offers reliable travel times for drivers and transit users;
- Improve connections between regional destinations through priced, additional lanes that integrate with the greater metro Atlanta express lanes network;
- Accelerate project delivery.

The actions by the Federal agencies and the laws under which such actions were taken are described in the Environmental Assessment (EA) approved on July 29, 2020, and the FONSI for the project, approved on February 5, 2020, and in other documents in the project records. The FONSI and other project records are available by contacting FHWA or the Georgia Department of Transportation at the addresses listed above. The EA and FONSI can be reviewed and downloaded from the project website in two ways:

(1) At *https://0001757-gdot.hub.arcgis.com/* and click on Environmental Assessment (EA) and FONSI; and

(2) Electronic versions of the EA and the FONSI have been sent to the following local libraries in the vicinity of the SR 400 corridor with a request to make the digital document available to patrons, including:

a. Fulton County Library at the Sandy Springs Branch (395 Mount Vernon Hwy NE, Sandy Springs, GA 30328),

b. Fulton County Library at the Roswell Branch (115 Norcross St, Roswell, GA 30075),

c. Fulton County Library at the East Roswell Branch (2301 Holcomb Bridge Rd, Roswell, GA 30076),

d. Fulton County Library at the Alpharetta Branch (10 Park Plaza, Alpharetta, GA 30009),

e. Fulton County Library at the Milton Branch (855 Mayfield Rd, Milton, GA 30009),

f. DeKalb Public Library at the Dunwoody Branch (5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338), and

g. Forsyth County Public Library at the Sharon Forks Branch (2820 Old Atlanta Rd, Cumming, GA 30041).

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109] and [23 U.S.C. 128];

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f)]. Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(mm)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; American Indian Religious Freedom Act [42 U.S.C. 1996].

7. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)]; Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675].

8. *Noise:* Federal-Aid Highway Act of 1970, Public Law 91–605 [84 Stat. 1713].

9. *Executive Orders:* E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 13045 Protection of Children from Environmental Health Risks and Safety Risks; E.O. 13112, Invasive Species; E.O. 11514, Protection and Enhancement of Environmental Quality: E.O. 13287 Preserve America. Nothing in this notice creates a cause of action under these Executive Orders.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 *(l)*(1).

Issued on: February 5, 2021.

Moises Marrero,

Division Administrator, Atlanta, Georgia.

[FR Doc. 2021–02803 Filed 2–11–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0215]

Agency Information Collection Activities: Renewal of an Approved Information Collection Request; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval, and invites public comment. FMCSA requests approval to extend an existing ICR titled, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' This ICR allows for ongoing, collaborative and actionable communication between FMCSA and its customers and stakeholders. It also allows feedback to contribute directly to the improvement of program management. The purpose of this notice is to allow 60 days for public comment before FMCSA submits its request to OMB.

DATES: We must receive your comments on or before April 13, 2021.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2020–0215 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *https://www.gpo.gov/fdsys/pkg/FR-2008-01-17/pdf/E8-785.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard if you submitted your comments by mail or hand delivery, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Britton, FMCSA, Office of Research. Telephone 202–366–9980; or email *dan.britton@dot.gov.* Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Mail Stop W63–312, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background: Executive Order 12862, ''Setting Customer Service Standards,'' directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector (58 FR 48257, Sept. 11, 1993). In order to work continuously to ensure that our programs are effective and meet our customers' needs, FMCSA seeks to extend OMB approval of a generic clearance to collect qualitative feedback from our customers on our service delivery. The surveys covered in this generic clearance provide a way for FMCSA to collect this data directly from our customers.

The proposed future information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with FMCSA's programs.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the

quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2126–0049.

Type of Request: Renewal of a currently-approved information collection.

Respondents: State and local agencies, the general public and stakeholders, original equipment manufacturers and suppliers to the commercial motor vehicle (CMV) industry, CMV fleet owners, CMV owner-operators, state CMV safety agencies, research organizations and contractors, news organizations, safety advocacy groups, and other Federal agencies.

Estimated Number of Respondents: 9,270.

Estimated Time per Response: Range from 5 to 30 minutes.

Expiration Date: August 31, 2021.

Frequency of Response: Generally, on an annual basis.

Estimated Total Annual Burden: 2,233 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–02850 Filed 2–11–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0226]

Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection Request: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The purpose of this ICR titled, ''Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers,'' requires foreign (Mexico-based) for-hire and private motor carriers to file an application Form OP–2 if they wish to register to transport property only within municipalities in the United States on the U.S.-Mexico international borders or within the commercial zones of such municipalities.

DATES: We must receive your comments on or before April 13, 2021.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2020–0226 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any

personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Ms. Dora Tambo-Gonzales, Office of Registration, Licensing and Insurance Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–2577; email: *dora.tambo.gonzales@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: Title 49 U.S.C. 13902(c) contains basic licensing procedures for registering foreign (Mexico-based) motor carriers to operate across the U.S.-Mexico international border into the United States. 49 CFR pt. 368 contains the regulations that require foreign (Mexico-based) motor carriers to apply to the FMCSA for a Certificate of Registration to provide interstate transportation in municipalities in the United States on the U.S.-Mexico international border or within the commercial zones of such municipalities as defined in 49 U.S.C. 13902(c)(4)(A). The FMCSA carries out this registration program under authority delegated by the Secretary of Transportation.

Foreign (Mexico-based) motor carriers use Form OP–2 to apply for Certificate of Registration authority with the FMCSA. The form requests information on the foreign motor carrier's name, address, U.S. DOT Number, form of business (*e.g.,* corporation, sole proprietorship, partnership), locations where the applicant plans to operate, types of registration requested (*e.g.,* for-hire motor carrier, household goods carrier, motor private carrier), insurance, safety certifications, household goods arbitration certifications, and compliance certifications.

Title: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers.

OMB Control Number: 2126–0019.

Type of Request: Renewal of a currently-approved information collection.

Respondents: Foreign motor carriers.

Estimated Number of Respondents: 31.

Estimated Time per Response: 1.5 hours to complete or update Form OP–2.

Expiration Date: October 31, 2021.

Frequency of Response: Occasionally.

Estimated Total Annual Burden: 47 hours [31 responses × 1½ hours to complete Form OP–2 = 47 hours].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–02851 Filed 2–11–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0556]

Agency Information Collection Activity Under OMB Review: VA Advance Directive: Durable Power of Attorney for Health Care and Living Will

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0556.''

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0556'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: VA Advance Directive: Durable Power of Attorney for Health Care and Living Will, VA Form 10–0137.

OMB Control Number: 2900–0556.

Type of Review: Extension of a currently approved collection.

Abstract: Section 7331 of title 38, United States Code (U.S.C.), requires, in relevant part, that the Secretary of Veterans Affairs, upon the recommendation of the Under Secretary for Health, prescribe regulations to ensure, to the maximum extent practicable, that all Department of Veterans Affairs (VA) patient care be carried out only with the full and informed consent of the patient, or in appropriate cases, a representative thereof. Based on VA's interpretation of this statute and our mandate in 38 U.S.C. 7301(b) to provide a complete medical and hospital service, we recognize that patients with decision-making capacity have the right to state their treatment preferences in a VA or other valid advance directive.

VA Form 10–0137, *VA Advance Directive: Durable Power of Attorney for Health Care and Living Will,* is the VA recognized legal document that permits VA patients to designate a health care agent and/or specify preferences for

future health care. The VA Advance Directive is invoked if a patient becomes unable to make health care decisions for himself or herself. Use of the VA Advance Directive is specified in VHA Handbook 1004.02, Advance Care Planning and Management of Advance Directives. Veterans' rights to designate a health care agent and specify health care preferences in advance are codified in 38 CFR 17.32. This regulation also obligates VA to recognize advance directives and to use the information contained therein when health care decisions must be made for a patient that has lost decision making capacity.

VA Form 10–0137 (both English and Spanish-English language versions) has a current OMB Paperwork Reduction Act (PRA) clearance under OMB Control Number 2900–0556. In addition, 2900–0556 now includes the collection of a ''Close Personal Friend Statement'' for incapacitated Veterans who have not completed an Advance Directive and are in need of health care. When a Veteran is incapacitated and does not have an Advance Directive, the VA regulations allow a statement to be submitted from a ''Close Personal Friend'' who will be responsible for making health care decisions on behalf of the Veteran. It is estimated that 300 such statements will be collected annually. VA seeks to renew the PRA clearance for the information collection under OMB Control Number 2900–0556.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 196 on October 8, 2020, pages 63661.

VA Form 10–0137

Affected Public: Individuals and households.

Estimated Annual Burden: 171,811 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 343,622.

Close Personal Friend Statement

Affected Public: Individuals and households.

Estimated Annual Burden: 50 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 300.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–02853 Filed 2–11–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0091]

Agency Information Collection Activity Under OMB Review: VA Health Benefits: Application, Update, and Hardship Determination

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: 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. Refer to ''OMB Control No. 2900–0091.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0091'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: VA Health Benefits: Application, Update, and Hardship Determination, VA Forms 10–10EZ, 10–10EZR and 10–10HS.

OMB Control Number: 2900–0091.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38 U.S.C. Chapter 17 authorizes VA to provide hospital care, medical services, domiciliary care, and nursing home care to eligible Veterans. Title 38 U.S.C. 1705 requires VA to design, establish, and operate a system of annual patient enrollment in accordance with a series of stipulated priorities. Title 38 U.S.C. 1722 establishes eligibility assessment procedures for cost-free VA medical care, based on income levels, which determines whether nonservice-connected and 0% service-connected non-compensable Veterans are able to defray the necessary expenses of care for nonservice-connected conditions. Further, when the Veteran projects that his or her attributable income for the current calendar year would be substantially below the applicable income thresholds, the Veteran would be considered unable to defray the expenses of care and VA may exempt the Veteran from the requirement to pay copayments for hospital or outpatient care.

This collection of information is required to properly administer health benefits to eligible Veterans.

a. VA Form 10–10EZ, Application for Health Benefits, is used to collect Veteran information during the initial application process for VA medical care, nursing home, domiciliary, dental benefits, etc.

b. VA Form 10–10EZR, Health Benefits Update Form, is used to update a Veteran's personal information, such as marital status, address, health insurance and financial information, for renewal of health benefits.

c. VA Form 10–10HS, Request for Hardship Determination, is used to collect information from Veterans who are in a copay required status for hospital care and medical services, but due to a loss of income project their income for the current year will be substantially below the VA means test limits.

These forms collect information to enroll a Veteran for health benefits, establish basic eligibility, identify 3rd party health insurance coverage, identify prescription copayment, provide for income verification, and serve as a mechanism to make changes upon admission for benefits or yearly financial updates.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 209 on October 28, 2020, pages 68418 and 68419.

VA Form 10–10EZ

Affected Public: Individuals and households.

Estimated Annual Burden: 270,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 540,000.

VA Form 10–10EZR

Affected Public: Individuals and households.

Estimated Annual Burden: 343,600 hours.

Estimated Average Burden per Respondent: 24 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 859,000.

VA Form 10–10HS

Affected Public: Individuals and households.

Estimated Annual Burden: 1,750 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 7,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–02885 Filed 2–11–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Friday,

No. 28 February 12, 2021

Part II

The President

Executive Order 14014—Blocking Property With Respect to the Situation in Burma

Federal Register
Vol. 86, No. 28
Friday, February 12, 2021

Presidential Documents

Title 3—

The President

Executive Order 14014 of February 10, 2021

Blocking Property With Respect to the Situation in Burma

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, find that the situation in and in relation to Burma, and in particular the February 1, 2021, coup, in which the military overthrew the democratically elected civilian government of Burma and unjustly arrested and detained government leaders, politicians, human rights defenders, journalists, and religious leaders, thereby rejecting the will of the people of Burma as expressed in elections held in November 2020 and undermining the country's democratic transition and rule of law, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States. I hereby declare a national emergency to deal with that threat.

Accordingly, I hereby order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate in the defense sector of the Burmese economy or any other sector of the Burmese economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State;

(ii) to be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following:

(A) actions or policies that undermine democratic processes or institutions in Burma;

(B) actions or policies that threaten the peace, security, or stability of Burma;

(C) actions or policies that prohibit, limit, or penalize the exercise of freedom of expression or assembly by people in Burma, or that limit access to print, online, or broadcast media in Burma; or

(D) the arbitrary detention or torture of any person in Burma or other serious human rights abuse in Burma;

(iii) to be or have been a leader or official of:

(A) the military or security forces of Burma, or any successor entity to any of the foregoing;

(B) the Government of Burma on or after February 2, 2021;

(C) an entity that has, or whose members have, engaged in any activity described in subsection (a)(ii) of this section relating to the leader's or official's tenure; or

(D) an entity whose property and interests in property are blocked pursuant to this order as a result of activities related to the leader's or official's tenure;

(iv) to be a political subdivision, agency, or instrumentality of the Government of Burma;

(v) to be a spouse or adult child of any person whose property and interests in property are blocked pursuant to this order;

(vi) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of any person whose property and interests in property are blocked pursuant to this order; or

(vii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 2. The prohibitions in section 1 of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 3. (a) The unrestricted immigrant and nonimmigrant entry into the United States of noncitizens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except where the Secretary of State or the Secretary of Homeland Security, as appropriate, determines that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State or the Secretary of Homeland Security, as appropriate, so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives.

(b) The Secretary of State shall implement this authority as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish.

(c) The Secretary of Homeland Security shall implement this order as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(d) Such persons shall be treated by this section in the same manner as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 5. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in this order,

and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 6. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''Government of Burma'' means the Government of Burma, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Myanmar, and any person owned or controlled by, or acting for or on behalf of, the Government of Burma;

(c) the term ''noncitizen'' means any person who is not a citizen or noncitizen national of the United States;

(d) the term ''person'' means an individual or entity; and

(e) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. Nothing in this order is intended to affect the continued effectiveness of any action taken pursuant to Executive Order 13742 of October 7, 2016 (Termination of Emergency With Respect to the Actions and Policies of the Government of Burma).

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 11. (a) Nothing in this order 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 order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order 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,
February 10, 2021.

[FR Doc. 2021–03139
Filed 2–11–21; 11:15 am]
Billing code 3295–F1–P

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